

## FAIR WORK COMMISSION

4 yearly review of modern awards – Transport Industry Awards

Matter No. AM2016/32

RE *Road Transport and Distribution Award 2010*

### SUBMISSIONS FOR THE TRANSPORT WORKERS' UNION OF AUSTRALIA

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#### INTRODUCTION

1. The Transport Workers' Union of Australia (TWU) makes these submissions pursuant to the Directions for the Transport Industry Awards issued by the Fair Work Commission (the Commission) on 20 December 2016. The TWU is seeking a number of variations to the *Road Transport and Distribution Award 2010* (the Award) and makes the following submissions in support of the draft determinations filed on 21 December 2016.
2. The TWU also seeks to rely on a number of witness statements in support of the variations set out in the attached draft determinations marked TWU-1, TWU-2 and TWU-3.

#### INSERTION OF DEFINITION OF DRIVER DUTIES – TWU-1

3. The TWU proposes to insert a new definition within clause 3.1 of the RT&D Award of a “driver” to better explain the scope of duties, which may be undertaken by driving employees covered by the Award. The definition proposed to be inserted is as follows:

***Driver** means an employee who is engaged to drive a rigid vehicle, a rigid vehicle with trailer combinations, an articulated vehicle, a double articulated vehicle and/or multi axle platform trailing equipment. A Driver may also undertake non-driving duties or other tasks in connection with driving the vehicles described in this definition including loading and unloading of vehicles; consolidating goods, wares, merchandise or other materials for loading; refuelling a vehicle; operation of on-board computer equipment; routine vehicle inspections; washing or cleaning of vehicles; basic vehicle*

*maintenance tasks; and log book maintenance and other paperwork associated with the driving task.*

4. The purpose of the proposed variation is to ensure that the RT&D Award appropriately describes and reflects the scope of duties that may be undertaken by a driver employed within the coverage of the Award. The proposed variation will ensure that the RT&D Award is simple and easy to understand and that the standard provision dealing with the interaction between modern awards is capable of appropriate application.

### **Background**

5. The RT&D Award applies, in accordance with clause 4.1, to employers throughout Australia in the road transport and distribution industry and their employees in the classifications listed in clause 15. The classifications for Distribution Facility Employees are listed in Schedule B and for Transport Workers Classifications in Schedule C.
6. Relevantly, the classifications for Transport Workers covered by the RT&D Award listed in Schedule C and the grade to which a particular classification is allocated are defined by reference to broadly stated position descriptions such as general hand, loader, radio operator, weighbridge attendant, crane chaser/dogger, transport rigger and driver.
7. The driver classifications are defined by reference to vehicle type, gross vehicle mass, gross combination mass, carrying capacity or lifting capacity as appropriate. The classifications listed in Schedule C to the RT&D Award do not attempt to further describe the duties ordinarily undertaken by a worker occupying the classification.

### **Driver Definition**

8. The TWU submits that it is appropriate that the Award be varied to better describe the type of duties, which may be encompassed by classifications defined in Schedule C. A number of considerations support the variation proposed by the TWU being made.
9. Firstly, the evidence demonstrates that, as will be well known to the Commission, transport workers undertake non-driving duties in addition to simply performing the task of driving a moving vehicle. The duties of a driver

may extend to a range of matters, including loading and unloading, consolidating or assisting with consolidating goods for loading, refuelling, washing and cleaning vehicles, basic maintenance tasks, completing necessary paperwork and operating relevant machinery. There can be no sensible dispute that drivers are regularly called upon to undertake non-driving duties of a nature described in the variation proposed by the TWU. The RT&D Award should properly recognise that the work performed by a driver extends to non-driving tasks.

10. Secondly, the Commission has long recognised that drivers undertake non-driving duties and determined rates of pay for transport workers having regard to the scope of duties ordinarily performed by road transport drivers. For example, as long ago as 1959, Commissioner Austin engaged in a "complete examination" of the work comprehended by the *Transport Workers (General) Award 1959* (1959) 91 CAR 344. The Commissioner set appropriate rates by reference to scope of duties undertaken by drivers, including reference (at 348-351) to matters such as reception and delivery of goods, interactions with clients, loading and unloading, use of mechanical aids and manual loading and responsibility for the vehicle.
11. When making the RT&D Award as part of the award modernisation process, the Commission adopted the classification structure and minimum rates from the *Transport Workers Award 1998*: see *Re Request from the Minister for Employment and Industrial Relations – 28 March 2008* [2008] AIRCFB 50; (2009) 180 IR 124 at [102]; *Re Request from the Minister for Employment and Industrial Relations – 28 March 2008* [2009] AIRCFB 345; (2009) 181 IR 19 at [172]. Those classification and rates of pay had been determined on the basis of a recognition that the work undertaken by drivers encompasses non-driving tasks such as loading and unloading, customer relationships, use of mechanical aids and the like.
12. Thirdly, it is common for modern awards to set classifications by reference to a detailed description of the type of tasks, level of responsibility and degree of autonomy required. This is even the case within the RT&D Award itself. Schedule B to the Award contains descriptions for the classifications of Distribution Facility Employees and includes a detailed description of the type of duties undertaken by an employee at each level, including reference to driving duties where appropriate and other non-driving tasks. The RT&D Award

should also contain a description of the duties of a driver engaged in one of the Transport Worker classifications listed in Schedule C to the Award and recognise that drivers also undertake non-driving duties. It is incongruent for the RT&D Award to contain detailed classification descriptors for Distribution Facility Employees and not Transport Worker classifications.

13. Fourthly, the variation proposed by the TWU will assist in achieving the modern awards objective, particularly the objective of ensuring that the Award is simple and easy to understand (s 134(1)(g)). The modern award system, obviously enough, has application to employers and employees throughout Australia. It is appropriate that persons reading a modern award be able to comprehend the nature of the duties and tasks contemplated by the classifications covered by the award. Although it may have been considered sufficient in earlier awards applying in the transport industry to simply refer to coverage of a “driver”, given the nature of the modern award system, the RT&D Award should now be varied to allow proper appreciation of the nature of work covered by the Award.
14. Fifthly, like other modern awards, the RT&D Award contains a provision dealing with overlap between modern awards. Clause 4.8 provides:

*4.8 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification, which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.*

15. An assessment of which award classification is “most appropriate to the work performed by the employee and the environment in which the employee normally performs the work” requires a proper appreciation of the nature of the duties intended to be comprehended by the classifications contained in any award. Where the issue arises in relation to an employer and employee covered by the RT&D Award, an assessment of the appropriate classification for a particular employee should be undertaken with an appreciation of the type of duties which drivers are commonly called upon to perform.
16. For example, in *Transport Workers’ Union of Australia v Coles Supermarkets Australia Pty Ltd* [2014] FCAFC 148; (2014) 245 IR 449, the Full Federal Court found (at [23]) that Coles was engaged in the “road transport and distribution industry” as defined. However, the Court found no error (at [35]) in the finding

of the Federal Circuit Court in *Transport Workers' Union of Australia v Coles Supermarkets Australia Pty Ltd* [2014] FCCA 4; (2014) 284 FLR 238 that the classification of Retail Employee Level 1 under the *General Retail Award 2010* was the more appropriate classification for persons employed to drive delivery trucks delivering goods ordered through Coles Online.

17. The findings of the Federal Circuit Court were heavily influenced (at [229]) by the degree of specificity in the description of the duties comprehended by the classification of Retail Employee Level 1 under the *General Retail Award 2010*. The Court observed, by contrast, that the classification of driver under the RT&D Award did not contain reference to duties other than driving. The Court asserted (at [232]):

*By contrast, delivery-driving tasks are the only aspect of the CSA role that could fall under the Transport Worker Grade 2 classification. The Road Transport Award merely describes that classification as Transport Worker Grade 2 – Driver of a rigid vehicle (including a motorcycle) not exceeding 4.5 tonnes gross vehicle mass. No detail is provided around the types of tasks associated with that classification. Moreover, the indicative job title (Driver) covers only one component of the wide range of tasks performed by CSAs. This component is in any event covered equally by the Retail Employee Level 1 classification within the Retail Award as described above.*

18. The Court specifically noted (at [232] footnote 398) that the absence of reference to duties other than driving in the Transport Worker classifications was notable when compared with the detailed list of duties provided for in the Distribution Facility Employee classifications in Schedule B.
19. The TWU does not suggest that the insertion of a definition properly reflecting duties undertaken by a driver will necessarily produce a different outcome to the assessment of which classification is the “most appropriate” having regard to the work undertaken by any given class of employee. However, the TWU submits that the RT&D Award should contain an appropriate description of the duties which drivers are commonly called upon to perform in the course of their employment. The absence of express recognition in the RT&D Award of the non-driving tasks undertaken by drivers inhibits the capacity of employers,

employees, regulators and courts to properly assess the appropriateness of the classifications in the RT&D Award.

### **Conclusion**

20. For these reasons, the variation proposed by the TWU should be made by the Commission. The RT&D Award should contain a proper reflection of the duties ordinarily undertaken by drivers falling within the coverage of the Award.

### **DEFINITION OF ROAD TRANSPORT AND DISTRIBUTION INDUSTRY – TWU-2**

21. The TWU proposes to amend the definition of the “road transport and distribution industry” contained in clause 3.1 of the Award to ensure that the Award provides appropriate coverage for employers and their employees undertaking driving work in what may be described as the business of vehicle relocation.
22. The existing coverage of the RT&D Award is dealt with in clause 4.1, which provides that the Award *covers employers throughout Australia in the road transport and distribution industry and their employees in the classifications listed in clause 15. The “road transport and distribution industry” is defined in clause 3.1.* Relevantly, the definition includes:

***road transport and distribution industry means:***

*(a) the transport by road of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock, including where the work performed is ancillary to the principal business, undertaking or industry of the employer;*

...

23. The TWU proposes the definition and hence coverage of the Award be varied by adding the additional subclause indicated that the “road transport and distribution industry” also means:

*The distribution and/or relocation by road of new or used vehicles as described in the classifications within this award where the vehicle itself*

*is required to be driven from one location to another for the purposes of delivery or relocation of the vehicle.*

24. The variation is necessary to give effect to the modern awards objective of ensuring that “modern awards, together with the National Employment Standards, provide a fair and relevant safety net of terms and conditions”: s 134(1). In particular, the variation will ensure that an otherwise inexplicable gap in the coverage of the modern award system is addressed.

### **Background**

25. The nature of the undertaking of a vehicle relocation business was described in the decision of the Full Federal Court in *Zader v Truck Moves Australia Pty Ltd* [2016] FCAFC 83 as follows (at [4]):

*Predominantly, the respondent's business was to deliver new unregistered, or partially built, commercial vehicles from importers to wholesalers. The respondent took possession, and so became bailee for reward, of these vehicles. The vehicles did not carry any freight or goods. They were driven un-laden both locally and interstate as the client required. They were predominantly unregistered, or in a pre-registration state, and, in most cases, they were fitted with trade plates owned by the respondent. The vehicles could be of any size or type, including rigid vehicles with varying gross vehicle mass, two or more axle rigid vehicles or larger trucks. The respondent also moved passenger cars, such as fleet vehicles between yards or to auctions, or delivered new vehicles and returned with the traded-in vehicles that they replaced, again using trade plates, including where such vehicles were registered. It was understood by the respondent that, under State and Territory laws, a vehicle being driven with trade plates could not carry freight or a load.*

26. In addition to Truck Moves, a number of other operators provide broadly similar services, including Prixcar, Quick Shift Vehicle Relocations, Vehicle Express Pty Ltd and Oz Wide. Those businesses employ persons to undertake work as drivers to drive vehicles from a pick up location to a delivery location for clients of the business.

27. The question of the application of the RT&D Award to employers and employees engaged in a vehicle relocation business has been subject of recent consideration in proceedings in both the Federal Court and Federal Circuit Court as follows:
- (a) In *Rooth v S. Brady Industries Pty Ltd* [2014] FCCA 1435, the Federal Circuit Court found that the operator of a business involving the transportation of unladen vehicles fell within the "road transport and distribution industry".
  - (b) In *Truck Moves Australia Pty Ltd v Simmonds* [2015] FCA 1071, the Federal Court found that the business of transporting unladen trucks and vehicles did not fall within the "road transport and distribution industry" as defined and an employer in that business was not covered by the Award.
  - (c) In *Zader v Truck Moves Australia Pty Ltd* [2016] FCAFC 83, the Full Federal Court found that, whilst the alternative interpretation was open, an employer engaged in the transportation of pre-registration trucks and other vehicles was not engaged in the "road transport and distribution industry" as defined and not covered by the Award.
28. In addition, the proceedings involving *Truck Moves Australia Pty Ltd* demonstrated that the question of the application of the RT&D Award to a vehicle relocation business had been subject of differing advice from the Fair Work Ombudsman. The evidence put forward by *Truck Moves* in the Federal Court proceedings included that the Fair Work Ombudsman had advised that the RT&D Award covered its business.

### ***Award Coverage***

29. The TWU submits that the Commission should vary the RT&D Award to ensure that persons employed to undertake driving work in a business engaged in vehicle relocation are covered by an appropriate modern award. A number of considerations support the variation proposed by the TWU being made.
30. Firstly, the variation is consistent with the modern awards objective as set out in s 134 of the Act in that it would ensure that the modern award system, together with the National Employment Standards, provides a fair and relevant minimum safety net of terms and conditions of employment. The consequence



of the decision of the Full Federal Court is, as noted by Flick J (at [40]), that drivers engaged in vehicle relocation are not covered by any modern award. There is no reason as to why drivers engaged in that part of the transport industry, and not any other, should be free from modern award coverage. The RT&D Award fails to ensure a fair and relevant minimum safety net of terms and conditions of employment to the extent that it fails to ensure that one particular type of driver is excluded from award coverage.

31. The exclusion of drivers engaged in vehicle relocation from the coverage of the RT&D Award results in absurd consequences. For example, if a truck is transported by being towed by another vehicle or is loaded onto a car-carrier, the operation would be part of the “*road transport and distribution industry*”. If, however, the truck were transported by its being driven from one location to another by a driver employed for that purpose, the operation falls outside the coverage of the RT&D Award and the driver would have no award protection at all. That outcome is non-sensical and demonstrates an unintended and inexplicable exclusion from modern award coverage.
32. Secondly, it is appropriate that employees undertaking driving work in a business engaged in vehicle relocation be covered by the RT&D Award and the principal award applying to transport workers and transport businesses. The RT&D Award is the award applying to persons engaged in the road transport industry and, particularly, persons engaged in professional driving work aside from passenger transport. The work undertaken by drivers employed by employers providing vehicle relocation services has much in common with other drivers engaged in the transport industry. The work obviously involves driving vehicles of various types on public roads, but also entails associated tasks such as undertaking vehicle checks, refuelling, completing of paperwork, attaching travel guards and minor maintenance as required.
33. Drivers engaged in vehicle relocation work are subject to regulations relating to the operation of heavy vehicles, including the *National Heavy Vehicle Law* and the *Heavy Vehicle (Fatigue Management) National Regulation*. This recognises the commonality of work duties and regulatory arrangements applying to drivers generally in the transport industry. In addition, persons employed as drivers undertaking vehicle relocations will commonly have prior transport industry experience. It is appropriate that employers engaged in providing vehicle relocation services and employees engaged to drive vehicles as part of

such a business be subject to regulation of employment conditions common with other parts of the transport industry.

34. Thirdly, the variation is consistent with the intention of the Commission in initially making the RT&D Award as part of the award modernisation process. There is no obvious indication in the statements of the Commission in relation to the coverage of the RT&D Award that specific consideration was given in the award modernisation process to vehicle relocation businesses. However, it is clear that the Commission intended that the RT&D Award be the principal award applying to driving work and that the Award would have broad application across the road transport industry and to driving work on an occupational basis.
35. For example, in the *Award Modernisation – Statement* [2009] AIRCFB 50, the Full Bench said (at [98]):

*[98] The RT&D Modern Award covers the road transport and distribution industry as defined in the exposure draft. The definition is broad and is intended to incorporate the scope of the pre-reform Transport Workers Award 1998 (Transport Workers Award) and NAPSAs operating in each state as the general industry transport award. It also incorporates the transport activities previously covered by freight forwarding, petrol and petroleum products, crude oil and gas and quarried materials awards. These are a subset only of the sectors covered by the exposure draft and the parties should give close consideration to the definition of the industry.*

36. The Full Bench made clear that the industry definition was intended to be “broad” and the RT&D Award was to be the “general industry transport award”. The coverage was at least intended to “incorporate” the scope of the Transport Workers Award 1998 and relevant pre-existing state awards. The coverage of the RT&D Award was expressly intended to be at least as broad in its operation as possible to encompass the broad scope of the transport industry.
37. The breadth of the intended coverage of the RT&D Award is demonstrated by the express extension of coverage to circumstances in which transport work is undertaken ancillary to an employer’s primary business. The reference made to the RT&D Award having occupational coverage of transport workers underlines

the extent of its coverage. In *Award Modernisation – Statement* [2009] AIRCFB 345, the Full Bench said (at [171]):

*[171] We also gave consideration to a number of other matters. Even though the RT&D Modern Award is an industry award it is clear that the practical effect of the various existing private transport awards it encompasses is that they operate by reference to a structure of types, models and classes of vehicle and, it follows, to the driver of those vehicles thereby having occupational coverage. We note that there are very few transport classifications in the modern awards made to date and it is likely that any transport functions of any significance are carried out by dedicated transport operators. If the transport of goods etc as defined in the RT&D Modern Award is ancillary to an employer's business but it is carried out by an employee in one of the classifications in the award it should be covered by the award.*

38. The statements of the Full Bench support the view that the RT&D Award is intended to cover drivers of vehicles undertaking transport work whatever the nature of the business or circumstances under which the work is undertaken. The RT&D Award is the appropriate award to apply to drivers engaged in vehicle relocation work.
39. Fourthly, employers other than Truck Moves, which are engaged in the business of vehicle relocation, have been operating on the assumption that the RT&D Award applies to their operations. The TWU has been party to enterprise agreements with a number of businesses engaged in vehicle relocation, including Prixcar Transport Services Pty Ltd. Those enterprise agreements had been negotiated and approved by the Commission on the basis that the RT&D Award would otherwise apply to transport employees. The explicit extension of the RT&D Award to such businesses is not likely to cause any significant disruption to their operations.
40. Fifthly, the explicit extension of the coverage of the RT&D Award to employers engaged in the business of vehicle relocation and their transport employees is likely to enhance the achievement of other aspects of the modern awards objective, including encouraging collective bargaining (s 134(1)(b)) and ensuring a simple, easy to understand, stable and sustainable modern award system (s 134(1)(g)). The clear application of the RT&D Award will encourage

appropriate collective bargaining based upon a reasonable safety net in the event that an employer and its employees wish to develop flexible provisions suitable for the particular employer. The clarification of the industry definition will also ensure that the RT&D Award is simple and easy for employers and employees to understand.

### **Conclusion**

41. For these reasons, the variation proposed by the TWU should be made by the Commission. It should be made clear that the RT&D Award covers employers engaged in the vehicle relocation business.

### **OVERTIME PROVISIONS – TWU-3**

42. The TWU proposes to insert a new subclause in the overtime provisions contained in clause 27 of the Award to ensure that the Award provides for overtime in circumstances where employees engaged under another award are required to temporarily transfer to this Award.
43. The current provisions for overtime in the RT&D Award are set out in clause 27. Sub-clause 27.1 relevantly provides that for *all work done outside ordinary hours the rate of pay will be time and a half for the first two hours and double time thereafter, such double time to continue until the completion of the overtime work.*
44. The TWU proposes the overtime provisions be varied by adding the additional subclause to make provision for hours worked under another award to count towards the ordinary hours of work under this award. The subclause proposed to be inserted is as follows:

*Where an employee who ordinarily performs work under another award is temporarily required to engage in work covered by this award shall have the hours worked under both awards count towards the ordinary hours of work. Any hours performed outside the combined ordinary hours of work shall be paid in accordance with 27.1 of this clause.*

45. The variation is necessary to give effect to the modern awards objective of ensuring that “modern awards, together with the National Employment Standards, provide a fair and relevant safety net of terms and conditions”: s

134(1). In particular, the variation will ensure that employees are appropriately remunerated for all time worked outside ordinary hours.

### **Background**

46. Like other modern awards, the RT&D Award makes provision for the payment of overtime for work done outside ordinary hours. Those provisions provide that all work performed outside the ordinary hours are paid in accordance with clause 27.1. Subclause 27.2 provides that in computing overtime each day's work will stand alone.

47. The ordinary hours of work in subclause 22.1 are as follows:

*The ordinary hours of work are an average of 38 per week to be worked on one of the following bases:*

*(a) 38 hours within a work cycle not exceeding seven consecutive days;*

*(b) 76 hours within a work cycle not exceeding 14 consecutive days;*

*(c) 114 hours within a work cycle not exceeding 21 consecutive days;*

*(d) 152 hours within a work cycle not exceeding 28 consecutive days.*

48. The ordinary hours for oil distribution workers are 35 per week or 70 per two-week period.

49. The *Road Transport (Long Distance Operations) Award 2010* (RT (LDO) Award) contemplates circumstances whereby an employee who is engaged in long distance operations may temporarily be required to perform duties, which are not a long distance operation. In those circumstances the employee is to be covered by the RT&D Award (subclause 4.2 of the RT (LDO)).

50. Those provisions were inserted into the RT (LDO) Award as part of the Modern Awards Review 2012 following an application by the Australian Industry Group to rectify what it said was an anomaly arising from the Part 10A award modernisation process.<sup>1</sup>

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<sup>1</sup> [2014] FWC 3529 at [17]

51. The TWU opposed the variation submitting that the variation as proposed would allow for “flip-flopping” between the two awards. Her Honour dealt with that issue in her decision saying:

*In the event the TWU identifies evidence of the type of “flip-flopping” it submitted may occur, and which gives rise to some unexpected practical problem or highlights a misuse of the provision, the wording of the clause may need to be revisited. If necessary, this could be addressed in the 4 yearly review of the Award.<sup>2</sup>*

52. The TWU submits that the variation to the coverage provisions of the RT (LDO) Award has given rise to practical problems, in particular what constitutes the ordinary hours of work where an employee is required to temporarily perform duties which are not on a long distance operation and are covered by the RT&D Award

***Ordinary hours to include work performed under more than one award***

53. It is appropriate that the Commission should vary the RT&D Award to ensure that an employee who is temporarily transferred to the RT&D Award shall have those hours of work performed under the other award count towards the ordinary hours of work under the RT&D Award. A number of considerations support the variation proposed by the TWU being made.
54. The variation is consistent with the modern awards objective as set out in s 134 of the Act in that it would ensure that the modern award system, together with the National Employment Standards, provides a fair and relevant minimum safety net of terms and conditions of employment. The RT&D Award fails to ensure a fair and relevant minimum safety net of terms and conditions of employment to the extent that it fails to make clear what the ordinary hours of work are when an employee is temporarily transferred to this Award.
55. It is appropriate that employees who are engaged under one award and are temporarily required to transfer to duties under another award be paid additional remuneration for working overtime. It is not clear in either the RT&D Award or the RT (LDO) Award what constitutes the ordinary hours of work when employees are engaged under both awards.

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<sup>2</sup> [2014] FWC 3529 at [29]

56. Drivers in the transport industry are often required to perform both long distance operations and local work. This could be within the same week or even on the same day. Typically this will occur at either the commencement or completion of a long distance operation where a driver may undertake local work where it is either necessary to make a number of deliveries or where the driver has enough hours left on his/her log book to carry out local work.
57. A driver engaged under the RT (LDO) Award is required to be paid for driving pursuant to either the cents per kilometre method set out in clause 13.4 or the hourly rate method set out in clause 13.5. Both methods are not dependent upon the time worked by an employee. No payment is required to be made for other working time with the exception of time spent engaged on loading or unloading duties as set out in clause 13.6.
58. Drivers engaged to perform long distance operations are subject to the National Heavy Vehicle Laws (NHVL), which regulate the fatigue management of drivers. Drivers who have not completed any fatigue management training are restricted to 12 hours of work within a 24-hour period. Drivers with basic fatigue management certification may work 14 hours in a 24-hour period.
59. The ordinary hours of work under the RT (LDO) Award are an average of 38 hours per week. However, a driver performing long distance operations would typically work in excess of those hours due to the nature of the long distance sector. As indicated above a driver may work up to 14 hours which includes driving and any task relating to the use of the vehicle including unloading and loading, cleaning and refuelling.
60. Long distance drivers are often required to carry out local work after they have completed a long distance operation. The hours worked that day may already be in excess of the ordinary hours of work that apply under the RT&D Award. For example if a driver performs a long distance operation the other tasks are included as work time for the purposes of calculating total work time.
61. A driver may perform a long distance operation, which if paid in accordance with the hourly driving method could take 8 hours. If this occurs the driver would have sufficient hours left to perform local work. If they are required to perform local work under the RT&D and are required to work a further 6 hours

the total time worked for the purposes of hours that day should be 14 hours and the driver should be paid overtime in accordance with the RT&D Award.

62. The TWU submits that the variation will assist in achieving the modern awards objective, in particular the objective of ensuring that the Award provides additional remuneration for employees working overtime, unsocial, irregular or unpredictable hours (s 134(1)(da)). The variation will also assist in achieving the objective of ensuring that the Award is simple and easy to understand (s 134(1)(g)). It is appropriate that persons reading a modern award be able to understand what the ordinary hours of work are for an employee who may be required to perform duties under another award.

### ***Conclusion***

63. For these reasons, the variation proposed by the TWU should be made by the Commission to ensure that an employee who is temporarily transferred to the RT&D Award shall have those hours of work performed under the other award count towards the ordinary hours of work under the RT&D Award.

### **ATTACHMENTS**

64. The following draft determinations and witness statements are attached:

- TWU-1
- TWU-2
- TWU-3
- Statement of Tracey Carrington
- Statement of Charles Nichols
- Statement of Mitchell O'Brien
- Statement of Dennis Mealin
- Statement of Glen DeClase
- Statement of Daryl Coghill
- Statement of Max Bird
- Statement of Garry Anderson

65. The following witness statements will also be relied upon:

- Statement of David O'Brien
- Statement of Glen Stutsel



**Transport Workers' Union of Australia**

Dated: 18 January 2017

<<FileNo>> <<PrintNo>>  
**FAIR WORK COMMISSION**

## **DRAFT DETERMINATION**

*Fair Work Act 2009*  
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

**Road Transport and Distribution Award 2010**  
(AM2016/32 & AM2014/112) MA000038

Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT SAMS

COMMISSIONER LEE

SYDNEY, XX YYY 2017

*Review of modern awards to be conducted.*

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Road Transport and Distribution Award 2010* be varied as follows.
- [2] Insert a definition of **driver** within the Clause 3 Definitions and interpretation as follows:

“**Driver** means an employee who is engaged to drive a rigid vehicle, a rigid vehicle with trailer combinations, an articulated vehicle, a double articulated vehicle and/or multi axle platform trailing equipment. A Driver may also undertake non-driving duties or other tasks in connection with driving the vehicles described in this definition including loading and unloading of vehicles; consolidating goods, wares, merchandise or other materials for loading; refueling a vehicle; operation of on-board computer equipment; routine vehicle inspections; washing or cleaning of vehicles; basic vehicle maintenance tasks; and log book maintenance and other paperwork associated with the driving task.”

[3] The determination shall operate on and from XX YYY 2017.

SENIOR DEPUTY PRESIDENT

DRAFT

<<FileNo>> <<PrintNo>>  
**FAIR WORK COMMISSION**

# **DRAFT DETERMINATION**

*Fair Work Act 2009*  
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

**Road Transport and Distribution Award 2010**  
(AM2016/32 & AM2014/112) MA000038

Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT SAMS

COMMISSIONER LEE SYDNEY, XX YYY 2017

*Review of modern awards to be conducted.*

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Road Transport and Distribution Award 2010* be varied as follows.
- [2] Insert a new subclause (j) to the definition of **road transport and distribution industry** in Clause 3 Definitions and Interpretation as follows:
  - “(j) the distribution and or relocation by road of new or used vehicles as described in the classifications within this award where the vehicle itself is required to be driven from one location to another for the purposes of delivery and or relocation of the vehicle
- [3] The determination shall operate on and from XX YYY 2017.

SENIOR DEPUTY PRESIDENT

<<FileNo>> <<PrintNo>>  
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## **DRAFT DETERMINATION**

*Fair Work Act 2009*  
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

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Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT SAMS

COMMISSIONER LEE SYDNEY, XX YYY 2017

*Review of modern awards to be conducted.*

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- [2] Insert a new subclause 27.8 to clause 27 Overtime as follows:
- “27.8 Where an employee who ordinarily performs work under another award is temporarily required to engage in work covered by this award shall have the hours worked under both awards count towards the ordinary hours of work. Any hours performed outside the combined ordinary hours of work shall be paid in accordance with 27.1 of this clause.”
- [3] The determination shall operate on and from XX YYY 2017.

SENIOR DEPUTY PRESIDENT

**IN THE FAIR WORK COMMISSION**

**Matter No. AM2016/32**

**4 Yearly Review of Modern Awards – Road Transport and Distribution Award  
2010**

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**STATEMENT OF DENNIS MEALIN**

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I, Dennis Mealin of [REDACTED] in the State of Queensland state as follows:

1. I am 59 years of age.
2. I am currently employed by Oz Wide Heavy Vehicle Deliveries as a truck driver.
3. I am the holder of a Heavy Rigid (HR) and Heavy Combination (HC) driver's licence.

**Work History in the transport industry**

4. I have worked as a truck driver in the road transport industry for the majority of my working life. I have worked in various sectors of the road transport industry as a truck driver having performed both local work and long distance operations.
5. My first job as a truck driver was when I was in my 20's. I worked with Qantas driving ground equipment around the airport. At times I was required to drive trucks outside the airport. I worked for Qantas as a driver for about 10 years.
6. I do not recall whether an Award or an Agreement covered my terms of conditions however I believe one or the other covered me. At the time I was a delegate with the Transport Workers' Union of Australia (TWU).
7. Following my employment with Qantas I worked with various employers in the road transport industry transporting goods such as building supplies, landscaping supplies and gravel. These jobs involved both local work and interstate operations.

**Overview of work history in the vehicle relocation sector of the transport industry**

8. In March 2012 I commenced employment with Truck Moves Australia as a casual truck driver. My role as a driver involved relocating new and used vehicles performing both local work and long distance operations. I worked for Truck Moves for about 3 years.

9. During the period I worked for Truck Moves I drove vehicles of various makes and sizes with varying gross vehicle mass (GVM) however for the majority of the time I drove Prime Movers on long distance operations.
10. When I commenced employment with Truck Moves I performed mainly local work for the first few months then moved to doing only long distance operations.
11. My job as a driver with Truck Moves involved driving new and used vehicles from one location to another. When I drove new vehicles the job could involve just driving the cab chassis or a fully assembled truck where the body had been fitted. The assembled trucks I drove were both loaded and unloaded depending on the job and the client.
12. The clients that I delivered trucks to included manufacturers and dealerships. This included taking vehicles to body builders where I would drop off the cab chassis and a later date collect the vehicle once it had been fitted with the body, deliver it back to the yard and then on to the customer.
13. During the period I worked for Truck Moves most of the jobs I did involved relocating vehicles that had been assembled with the body attached. An example of this type of delivery would be where I would pick up a truck out of assembly and deliver it to the dealership which could be anywhere in Australia.
14. A typical job with Truck Moves would be to commence at the Brisbane depot, where I would be driven to the airport by a chase car or by taxi, board a plane and fly to the destination, travel to the manufacturer or dealership, wait for the vehicle, drive it to its destination then fly back to Brisbane or to another destination to collect and relocate another vehicle.
15. Another aspect of my work for Truck Moves was collecting and relocating new trailers. For example a trip might involve picking up a truck from Bayswater in Melbourne, driving it to Dandenong in Victoria, pick up a trailer or trailers, deliver the trailers to another location then deliver the truck to a further location.
16. When I performed local driving I was paid an hourly rate, which as I understand was based on the minimum wage and not on an Award. When I performed a long distance operation as outlined in paragraph 14, I was paid a trip rate. I was not paid waiting time or travelling time for the hours that I was directed by Truck Moves to travel to the location where I would collect the truck. For example I could be flown to Perth and not get paid for the hours that it took me to travel from the Truck Moves base to Perth.
17. When I collected and delivered trailers I received the relevant trip rate when performing a long distance operation and an additional trailer allowance if moving a trailer, which depended on the vehicle I was driving.
18. If I were driving a vehicle that required a dangerous goods licence I would get paid an allowance for having such a licence.

19. The business of Truck Moves involved more than the relocation of the cab chassis or trucks that did not have a load. I often moved vehicles with loads for clients such as Toll. For example I have flown from Brisbane to Townsville and collected B Doubles for Toll that were fully loaded and driven back to Brisbane. The loads included general goods and dangerous goods.
20. Another example of the type of work I did for Toll involved delivering a new truck to one of their depots where at some stage it would be loaded. Then Truck Moves would send a driver to collect the loaded truck and deliver it to its destination.
21. Another type of work I did was collecting and delivering promotional vehicles for clients of Truck Moves. For example I collected promotional vehicles for Mercedes Benz from Melbourne and delivered them to Brisbane where they would be placed on display at the truck show. The truck would be loaded with promotional goods such as motor vehicles that Mercedes Benz was displaying at the show. When the show was finished I would transport the promotional vehicle back to Melbourne.
22. Another example of the work I carried out involved moving heavy vehicles with machinery loaded on the back. Driving these vehicles required the possession of a HR licence. One of the clients we moved trucks for was Mid Coast Trucks.
23. My role as a driver did not simply involve driving a truck from one location to another. My duties also included a number of non-driving tasks associated with the transport task. These non-driving tasks included vehicle checks, refueling, and paperwork, placing of trade plates on to vehicles, hitching trailers and tying down loads.
24. The trips I carried out did not always involve flying from one location to another. There could be a series of destinations before I ended up back in Brisbane. For example I recall one trip where I collected a prime mover from Kenworth in Brisbane and delivered it to Rockhampton. The manager contacted me and asked me to take a truck from Rockhampton to Darwin. When I delivered the truck to Darwin I was flown to Melbourne where I collected a truck and drove back to Brisbane. When I arrived at Brisbane I was flown back to Perth where I collected a truck and drove it back to Brisbane.
25. When I did the trip described in the preceding paragraph I was on the road travelling and driving for just under 2 weeks. Although I worked continuously for more than 6 days, this didn't breach the heavy fatigue management regulations, which require that a heavy vehicle driver must have a break on the 7<sup>th</sup> day. On these types of trips I would be travelling and driving vehicles where I did not have to fill out a logbook.
26. I left Truck Moves in or around the end of 2014. I was off work for some time due to illness before applying for a driving job with Quick Shift Vehicle Relocations. I worked for Quick Shift for about 10 months.



27. The type of work that I did for Quick Shift was similar to that of Truck Moves. The work involved relocating vehicles for manufacturers and dealerships as well as other types of companies who may require their vehicles to be transported from one location to another.
28. Quick Shift was a much smaller operation than Truck Moves. I performed the long distance operations for Quick Shift but was paid differently to how Truck Moves paid. Rather than a trip rate I received a flat hourly rate for all time worked which included the time spent travelling to and from a location as well as driving time. However this rate did not include additional allowances for pulling a trailer or other types of allowances that may be applicable under an award.
29. After Quick Shift I got a job with Oz Wide Heavy Vehicle Deliveries where I performed similar driving work to that of Truck Moves and Quick Shift. I have been driving for Oz Wide for approximately 5 months. The clients are similar with the exception of Brown & Hurley who only used Truck Moves to relocate their vehicles.
30. The payment method with Oz Wide is similar to that of Truck Moves in that they pay a trip rate for long distance operations and a flat hourly rate for local work. However, the trip rates are better than that of Truck Moves plus they pay an hourly rate for waiting time.
31. As stated in paragraph 16 when I worked for Truck Moves I was paid an hourly rate for local work and a set trip rate for long distance work, which was determined by Truck Moves and not referable to any award.

.....  
Signed

..... 9.11.17  
Dated

**IN THE FAIR WORK COMMISSION**

**Matter No. AM2016/32 and AM2014/212**

**4 Yearly Review of Modern Awards – Road Transport and Distribution Award  
2010**

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**STATEMENT OF GLEN DECLASE**

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I, Glen DeClase of [REDACTED] in the State of Victoria state as follows:

1. I am 65 years of age.
2. I am currently employed by Ledified as a Human Resources (HR) Manager.
3. Prior to working for Ledified I was employed with Prixcar for 13 ½ years as their HR Manager.
4. Part of my role as HR Manager with Prixcar required me to negotiate enterprise agreements with unions on behalf of Prixcar. When I left my employment with Prixcar in June 2016, I had been negotiating an enterprise agreement with the TWU for truck drivers. Prixcar asked me to continue those negotiations on their behalf on a consultancy basis. The parties have reached agreement and the Fair Work Commission has approved it.

**Structure and business of Prixcar**

5. There are two divisions to the business of Prixcar. One division is the Vehicle Processing Centre (VPC) and the other is the transport division of the business. Prior to 2012 the business of Prixcar only involved the VPC. In 2012 Prixcar purchased Toll Auto Logistics, which now makes up the transport arm of Prixcar.
6. There are a number of VPC's throughout Australia. The VPC's process new vehicles that have been bought into Australia and delivered from the port to the VPC. At the VPC the vehicles are processed before being transported to the customer, which could be a manufacturer, dealership or other type of customer.
7. The processing of the new vehicles at the VPC involves putting on compliance plates, check the vehicle met the Australian Design Standards, in some case register the vehicle, check logbooks and place trade plates on vehicles where required. Employees who work at the VPC's only process the vehicles and are not involved in the transportation of those vehicles.
8. Prior to 2012 the business of Prixcar only had the VPC division, which was just vehicle processing. The transportation of vehicles from the port to the VPC and later transported off site was contracted to multiple different transport companies.

9. In 2012 Prixcar decided that it wanted to be a one-stop shop, and to do that it had to buy a transport company. In August of 2012, it acquired Toll Auto Logistics. Now Prixcar has its own transport company that can pick up from the port, deliver to its VPC sites, and deliver to the various types of customers including manufacturers and dealerships.
10. The truck drivers employed within the transport division of the business collect the new vehicles from the port and drive them to the VPC. Once processed and ready for delivery, the driver will then transport the new vehicle/s either on the back of a truck or drive the vehicle itself.
11. When I say vehicle itself I am referring to the cab chassis of a truck. New motor vehicles are transported on the back of a truck. Trucks can also be transported on the back of a truck. Cab chassis' are driven from the port to our sites and smaller units are transported on our trucks. Due to the height of cab chassis they do not fit on our trucks and in this event are driven to the company sites and also to the respective clients.
12. The drivers employed in the transport division drive both trucks that are loaded with new vehicles and the cab chassis itself. Essentially they are transporting new vehicles to a customer either on the back of a truck or they transport the vehicle itself by driving it with a trade plate attached. The transport of vehicles can be either local or interstate.
13. Drivers employed by Prixcar are covered by an enterprise agreement. Drivers are paid according to the size of the truck they are driving whether it is a loaded truck or just the cab chassis itself. If the driver is at a certain grade ordinarily driving a certain size truck they will be paid the same rate when driving the cab chassis.
14. When a driver transports a cab chassis to an interstate destination they will be flown back to where they commenced their journey. The driver is paid for all hours worked including the return journey.
15. Drivers who perform long distance operations only perform that type of work and are paid the rates set out in the enterprise agreement. The enterprise agreement is underpinned by the *Road Transport (Long Distance Operations) Award 2010*.
16. Local drivers are paid the rates set out in the enterprise agreement, which is underpinned by the *Road Transport and Distribution Award 2010*. Local drivers can perform both local work and long distance operations. When they perform long distance operations they are paid the rates for long distance drivers.
17. When Prixcar acquired Toll Auto Logistics the Toll Agreement covered the drivers employed by Toll. There was a transmission of business and the drives were subsequently employed by Prixcar and covered by the Toll agreement until it expired in 2013. A new enterprise agreement was replaced with the Toll agreement. I was responsible for negotiating that agreement with the Transport Workers' Union (TWU). This agreement had substantially the same terms and conditions to that of the Toll agreement.

18. Since late 2013 Prixcar has been finding it increasingly difficult to compete for work in the cab chassis side of the business. This I understand was due to competition in the market that was undercutting us in prices and conditions. As we pay according to our enterprise agreement which is above the award the competition is able to undercut Prixcar. As I understand they do not pay according to the relevant award.
19. Names of these competitors kept coming up such as Truck Moves Australia. As I understand Truck Moves did not pay their drivers under an award, as they believed they were 'award free' and paying drivers less than the road transport awards. The information about Truck Moves undercutting us came from the clients and our truck drivers who talked to other drivers.
20. I was always of the view that truck drivers who were transporting all types of vehicles as described in my statement were covered by the road transport awards. It came as a shock to me when I was advised by the Union that truck Moves was in fact found to be award free by the Federal Court.
21. When Prixcar acquired Toll Auto Logistic the business model was the same as the transport arm of Prixcar, that is the business involved both the relocation of vehicles on the back of a truck or relocation of the cab chassis itself. When Prixcar first acquired the business it was fairly competitive in the marketplace until around the end of 2013. This could be because the competition had not been tendering for the same clients as Prixcar was.

.....  
Signe

.....  
Dated

23<sup>rd</sup> DECEMBER 2016

## IN THE FAIR WORK COMMISSION

Matter No. AM2016/32

### 4 Yearly Review of Modern Awards – Road Transport and Distribution Award 2010

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#### STATEMENT OF TRACEY CARRINGTON

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I, Tracey Carrington, of [REDACTED] in the State of Western Australia state as follows:

1. I am 42 years of age.
2. I commenced employment as a driver with Toll Pty Ltd (Toll) 2 years ago but recently resigned due to an injury sustained at work. The Toll Contracts – Woolworths Online Delivery WA Agreement 2014 covers my employment with Toll. The Toll National Agreement applies to the parties to this agreement, which incorporates the *Road Transport and Distribution Award 2010*.
3. I am the holder of a Class C driver's licence.

#### Work history

4. Prior to working for Toll I worked for Orion Transport (Orion) for about 19 months as a driver. Orion had the contract to deliver online groceries for Woolworths to its customers.
5. When I worked for Orion I drove a 3 tonne truck to deliver online groceries to Woolworths customers. Orion owned the trucks but they had the Woolworths logo on them.
6. When I worked for Orion I commenced my shift by driving my truck to the loading dock at the Woolworths store. I garaged my truck at home as the trucks used to get vandalised when they were garaged at the Woolworths Caltex Service station and Woolworths store.
7. I initially worked out of the Rockingham store before transferring to the Warnbro store. I also worked out of the Mandurah store for some time but I mainly worked out of the Warnbro store when I was with Orion.
8. Toll won the contract for the online delivery of groceries for Woolworths after I had been employed with Orion for about 19 months. The duties I describe below with Toll are substantially the same apart from the hand held equipment used with Toll. When I worked for Orion all deliveries were made utilising paperwork, as they hadn't moved to electronic equipment.

### Daily duties

9. At the commencement of my shift I would go to the Woolworths store which was usually 7 am. The first thing to be done for the day was to carry out pre-vehicle checks which included checking the tyres, the water level and ensuring the temperatures in the truck were correct. Checking the freezer temperature would take around 10 minutes, as you have to wait until the chiller is working to get the temperature at the correct level.
10. Once the temperature was right I would then go and load the groceries. I would check the paperwork when I was with Orion, which included the customer's invoice and my run sheet. I would then check the number of crates going to customers against my running sheet. If the goods ordered involved alcohol or cigarettes I had to sign off for them before leaving.
11. My role didn't involve packing the groceries in the crates. The crates were packed by the Woolworth's staff and ready when I commenced my shift. When I arrived at the dock I would back my truck up to the dock and then load the crates onto my truck. If I had empty crates on my truck from the previous day I would need to unload them onto the dock before loading the packed crates that were being delivered.
12. The crates need to be packed into the truck in the order of delivery, which involves checking my running sheet as I load. My role didn't involve ensuring the correct items ordered were actually in the crates except for alcohol and cigarettes, as we had to check they had been packed into the crates. If there were alcohol and cigarettes we would sign off on them to acknowledge that they had been packed for delivery.
13. Once the truck was loaded and all the paperwork completed I would leave the store to complete my deliveries for the day. When doing deliveries I would have to take the crates out of the truck and carry them inside, as we were not allowed to use the trolley.
14. When Toll took over the contract from Orion I was made redundant. I later gained employment with Toll. At some stage Woolworths decided that they would use their own trucks for online deliveries and only contract out the actual delivery of the groceries.
15. When I worked for Toll my base store was at Rockingham. I would commence my shift at the store where my truck was garaged. The first thing I did on arrival for my shift was to get my keys and the Mobile Data Terminal (MDT) from a box at the loading dock. I would then open the truck, check the maintenance book, carry out the pre-vehicle checks and ensure I had turned on the MDT.
16. The MDT is a hand held scanner, which records all the information pertaining to the deliveries. Even though we had MDT's we still had to fill out certain paperwork such as the Woolworths Home Delivery Sheet which recorded times and kilometres. These sheets were returned to the workshop at the end of the shift. An example of this sheet is annexed and marked **TC-1**.

17. Before the crates were loaded onto the truck I would scan them with the MDT. The information on the MDT is transmitted back to the office so there is a record in the office's system of what has been loaded. When you finish loading all the crates you need to input the MDT that you have completed loading all the crates for delivery.
18. Before leaving the store to make my deliveries I would enter into the MDT the time I left. Upon arriving to a delivery location I would enter the time I arrived, the time that I unloaded, delivery of the groceries into the premises and when you leave the delivery address. The empty crates are returned and stacked in the back of the truck. The MDT essentially keeps track of everything you have done throughout the day, which is relayed back to the computer system at the store.
19. If a customer is not at home I would have to call Customer Service to get instructions on whether there was a secure place to leave the groceries. If there were no secure place to leave the groceries I would take them back to the store. If I had any returns I would need to wait back at the store for someone to verify that all of the returned crates were there. Returned crates were also entered into the MDT.
20. When I arrived back at the store I would park my truck and leave it with the empty crates in the back. We used to unload the crates when we returned to the store for the next driver but they changed that and directed us to leave the crates in the back.
21. Drivers are responsible for cleaning their trucks. When I worked for Orion I would wash my truck on the weekend as I garaged the truck at home. When I washed the truck I also had to spray and clean the freezer of any spillage. I would clean my truck once a week. I was also responsible for refueling of my truck.

### **Training**

22. My first job as a driver was with Orion. When I commenced employment with Orion I received on the job training in the delivery of groceries to Woolworths customers who had ordered their groceries on line.
23. When I worked with Orion I also undertook training courses online. Drivers were expected to have access to a computer to undertake the online courses in their own time. The types of training was on health and safety, how to maintain your truck, adequate breaks and things of that nature. This involved reading all of the material and acknowledging that you had read the material. At a later date Orion could carry out spot checks to ensure you had actually carried out the online training.
24. When I worked for Orion we also had to use our personal computers in our own time to enter our daily hours for the shifts worked each day. This information would then be sent to the head office in Queensland.
25. When I commenced employment with Toll I also had to undertake online training in a number of different modules. The first training I did was the Toll Online

Induction. A copy of the modules completed is annexed and marked **TC-2**. I also did refresher training in these modules.

26. When I commenced employment with Toll I was also given training in the use of the MDT. I spent a day with an experienced driver who demonstrated throughout the day how to use the MDT and what entries needed to be made. I was also provided with a manual for reference.
27. Toll also provided drivers with a Drivers Daily Checklist. A copy of the checklist is annexed and marked **TC-3**.
28. When I commenced work with Orion we also had to do a Woolworths Workshop. A copy of the program is annexed and marked **TC-4**.

[Redacted Signature]

Signed

17-1-17  
.....  
Dated





# Woolworths Home Delivery - WA

DATE : 12-2-15  
 DRIVER : TRACEY  
 REGO : 1EIM812

START SHIFT	0652	Shift Start Km	58366
END SHIFT	1402	Trip Start Km	58366
REST START	0946 / 1206	Trip End Km	58438
REST FINISH	1001 / 1221	Shift End Km	58438
TOTAL HRS WORKED		Re-fueling Litres	

Last 24hr Break :	8-2-15
Last 10hr Break :	11-2-15

Set temp for freezer	-18 degrees	Set temp for chiller	+ 4 degrees
Temp on arrival-FRZE		Store Sign.	
Temp on arrival- CHIL		Driver Sign.	<i>[Signature]</i>

\*\* Pays may not be processed if the below details are not completed adequately \*\*

Store Name	Store Number	Arrive store	Start loading	Finish loading	Store Depart	First delivery	Drops	Reference number	TOTES QTY	Last delivery	Arrival at store	Start unloading	Finish unloading
ROCKINGHAM	4391	0640	0720	0746	0752	0755	24	HBC	130	1341	1402		

\* If there is any damage or safety issues with your truck please report immediately to a supervisor (08) 6140 1927 or (08) 6140 1931 or (08) 6140 1905

\* All incidents both motor vehicle and injury please report immediately to a supervisor on (08) 6140 1927 or (08) 6140 1931 or (08) 6140 1905

Non-Delivery Tasks		
Task	Start Time	Finish Time

Driver to initial they have collected the following at shift start:

Torch	<input checked="" type="checkbox"/>	Mobile phone	<input checked="" type="checkbox"/>
Fire exting.	<input checked="" type="checkbox"/>	Hand held	<input checked="" type="checkbox"/>
Map book	<input checked="" type="checkbox"/>	Fuel Card	<input checked="" type="checkbox"/>
Trolley	<input checked="" type="checkbox"/>	GPS Navigation	<input checked="" type="checkbox"/>
Safety cone	<input checked="" type="checkbox"/>	Tool box	<input checked="" type="checkbox"/>
Scanner	<input checked="" type="checkbox"/>	Flashing light	<input checked="" type="checkbox"/>

CONTACT NUMBERS	
Woolworths Driver Line	1300 365 956
Allocators	6140 1927 OR 6140 1931 OR 6140 1905
Business Manager	6140 1926 / 0481 012 151
Fax Number*	6140 1999

\*Fax both sides of the run sheet along with fuel docket

**DRIVER QUESTIONS AND SIGNOFF PRIOR TO LEAVING DEPOT:**

1. I am fit and well to undertake this trip and hold a valid licence to operate the vehicle.
2. I am not suffering from any medical condition that could affect my driving performance.
3. I am not impaired by any illicit drug, prescription drug or alcohol that could affect my driving performance.
4. In the last 14 day period, I have fully complied with regulated driving and rest hours.
5. During this trip, I undertake to rest when feeling fatigued and take all regulated breaks as a minimum.
6. My run sheet will be completed in accordance with regulations and a copy will be provided.
7. I declare that the information provided is true and honest and that all undertakings listed will be carried out.

**Tick Boxes**

- Fluid levels
- Lights, Lenses & Reflectors
- Tyres
- No vehicle damage
- First aid
- Cabin clear of rubbish
- Gauges, warnings lights and buzzers

Driver's Sign: *[Signature]*

Supervisor's Sign:

\* In checking off an item YOU are confirming that the item is present, operational & defect free

Driver's Sign: *[Signature]*

## RETURNS, FUTILES & QUANTITY VERIFICATIONS OVERLEAF

001/260913

**Think Safe, Act Safe, Be Safe**

TC-11

"TC-2"

**Toll Online Induction**

I Tracey Carrington confirm I have been online and completed the following inductions for Toll.

Please Date and initial the course below you have completed.

	<i>Date Complete</i>	<i>Initials</i>
<i>Safety Passport</i>	18-12-13	T.C
<i>HACCP</i>	18-12-13	T.C
<i>Smarter Greener Driver</i>	18-12-13	T.C
<i>Three Points of contact</i>	18-12-13	T.C
<i>Fatigue Sessions (WA)</i>	18-12-13	T.C

It is Toll policy that you complete and pass the online induction, failing to do so will result in instant dismissal, you need to complete this induction and if you are unsure of anything in the induction please call Claire or Irwin to discuss.

Although you will not be able to see your progress, Toll will be able to verify that each section been completed. It is a requirement that you complete each section, the information in the induction is crucial for the role you will be performing.

Signature



Regards  
Claire Gould  
Fine Tune personnel

" TC-3 "

**Start of shift****Collecting Vehicle**

- Obtain the keys and fuel card from the designated locations for your site.
- Collect the mobile phone and scanner for your vehicle from the designated storage point.
- Conduct Pre Start vehicle check as per the Toll Pre Start check list on the back of the runsheet..
- Start up the fridge and freezer units. Ensure they are set at the required temperature levels
  - Freezer - set at minus 20 degrees
  - Chiller / Ambient – set at plus 2 degrees
- Sign/log onto the WOW handheld unit
- Drive vehicle to the Online designated dock at your store.

**Arriving at store**

*Note : The Vehicle must arrive at the Load Point at the allocated Load Time, comply with any Store Curfews and in accordance with the Vehicle Specifications.*

- Scan the store ID barcode at the loading point on the dock to log in your arrival time at store.

*Note: It is critical that this step is done at the scheduled time for your start of shift as Toll will be measured for the on time arrival at stores. Please do not arrive at the store more than 10mins prior to scheduled loading time.*

- Report to the stores online manager and obtain the dock to park at for loading, load manifest for the deliveries on the trip.
- Prior to loading the totes into the vehicle, check all set temperatures are correct. If time has exceeded 10mins and temps are still too high, advise the Online manager of the delay and also report it back to the Toll supervisors.

## Loading vehicle

- At the loading dock, the Customer Delivery Agent will park the Vehicle, turn off the engine, vacate the cab and secure it in accordance with Site requirements.

*Note: The loading will be undertaken by the Customer Delivery Agent utilising safe manual handling practices. The Customer Delivery Agent must not operate Woolworths forklifts or any other materials handling equipment at the Load Point.*

- Load and scan all the totes into your vehicle ensuring that the first drop is loaded last (rear of vehicle for first access) and last drop is loaded first etc.
- Customer Delivery Agent must ensure that the correct quantity and type of ULDs and product types (eg flowers, restricted products and freezer) have been presented. If the quantity of ULDs/product types is incorrect, the Woolworths Site Representative must be notified by the Customer Delivery Agent before they leave the Site
- For temperature Controlled Goods, a spot temperature check on samples may be conducted prior to loading to determine whether the relevant temperatures of the relevant Goods are within the acceptable range.
- If the outward appearance of the Goods indicates they are not in good condition or not acceptable for the journey, the Customer Delivery Agent must contact the authorised Woolworths Site Representative before the Goods are loaded, and must remain at the Site until further instructions are received.
- When loading is complete the Customer Delivery Agent and authorised Woolworths Site Representative must confirm the load is consistent with the information on the Customer Delivery Agents hand held unit or in the event of a handheld unit failure sign the Transport Documents. If there are any comments regarding the quantity, condition or loading of the Goods these should also be noted on the Transport Documents by the Customer Delivery Agent and the Site Representative. Where the Customer Delivery Agent was not present for the loading of the Goods, this should be noted on the relevant Transport Documents.
- Secure load then lock and secure the vehicle doors.
- Commence deliveries

## Documentation

The load documentation is used as a backup for any issues that cannot be resolved using the hand held sign on Glass units.

The following documentation (**Transport Documents**) must accompany the Goods at all times and must be readily available for inspection by a Woolworths Site Representative if requested. The documentation will be provided by Woolworths and will contain the following details:

- Invoice/ manifest/ load list to Woolworths for the Goods consigned;
- name and address of consignor;
- name and address of consignee;
- date;
- Vehicle identification number;
- Load departure time;
- Route ID
- Restricted Liquor and Tobacco ULD quantities
- nature of Goods (i.e. chilled, frozen, flowers, alcohol, tobacco etc);
- Load Point details (eg store);
- Delivery Point details;
- On-Time Delivery Time Window;
- Total number and type of ULDs per run
- Returned stock quantities by type and whether part or in full , ULDs, stock (part or in full);
- Returned ULD quantities by type;

The Customer Delivery Agent must not leave the Load Point without the Transport Documents, a Mobile hand held sign on glass unit and an in-vehicle mount for the hand held device.

## Delivering to Customers

### In transit

While in transit, the Customer Delivery Agent is responsible for:

- ensuring that the Goods travel from the Load Point and arrive at the Delivery Point within the Delivery Time Windows;
- Meeting the Delivery Time Windows. If there are any concerns regarding meeting the Delivery Time Window, the Customer Delivery Agent must notify Woolworths Online Customer Service immediately, in order to clarify any alternate arrangements; and
- Freezer unit temperatures must be maintained throughout the Customer Delivery Agent's run

### Delays en route

- If there are delays which put at risk the Customer Delivery Agents ability to meet the Delivery Time Window requirement, the Carrier must notify the Woolworths Online Customer Service Representative immediately by telephone with details of the delay. The Customer Delivery Agent must then notify their supervisor with the details.
- Where the delay is expected to affect all drops on the route, alternate routing / Order swapping between Vehicles must be actioned by the Carrier to ensure minimal delays. In this event the Customer Delivery Agent must ensure that the correct individual Customer Orders, including the correct quantity and type of ULDs are maintained and delivered.

**Arrival at delivery point**

On-time arrival at Delivery Points is a Service Level that will be measured as the time the Customer Delivery Agent acknowledges arrival at the Customer's Premises using the hand held device in accordance with the then current procedures.

The Carrier must ensure that the Vehicle arrives at the Delivery Point within the Delivery Time Window.

- Ensure you follow any delivery instructions in regards to parking and access to property. Always adhere to all parking regulations as stipulated by local councils (signage, line marking etc.).
- Turn on the vehicle Hazard indicators before exiting the vehicle.
- Place the Hazard traffic cone at the rear of the vehicle approx. 2m from the back of the truck.
- Whenever you leave the vehicle unattended, ensure you lock all access points i.e. cab and refrigeration units.
- The Customer Service Agent must not enter the Customer's premises without the consent of the Customer. Delivery notes from the Customer do not give the Customer Delivery Agent right to enter the Customer's Premises without greeting the Customer and being given access.
- Commence delivery using WOW handheld scanners. The Customer delivery agent must follow the hand held sign on glass processes whilst performing the delivery

If noted as a "First Time Customer" on hand held device, the Customer Delivery Agent must advise all first time Customers of the WOWOL ordering, discrepancy and delivery processes.

- If the Order contains Restricted Products, the Customer Delivery Agent must ensure that those products and the correct quantities of each of the products are delivered to the adult person who placed the order, or to another adult person at those premises who undertakes to accept it on behalf of the person who placed the order.
- The Customer Delivery Agent must unload the Customer's order and deliver to the Customer's kitchen bench, unless otherwise directed by the Customer or stated in the special instructions in the Customer Delivery Agent's run-sheet.
- Trolleys are to remain outside the Customer's premises.
- The Customer Delivery Agent must unload the goods from the ULDs and must return all ULDs back to the Vehicle.
- The Customer Delivery Agent must inspect the outward appearance of the Goods with the Customer to ensure that the Goods are in good condition. The Customer Delivery Agent and Customer must ensure the correct numbers and types of ULD's have been delivered.

- The Customer Delivery Agent must obtain a signature from the Customer in confirmation that the Goods have been received in a good condition and in full. Alternatively, any Customer comments regarding the condition and quantity of the Goods must also be noted by the Customer Delivery Agent on the mobile hand held device and signed by the Customer.
- Ensure all empty totes are collected and returned to the vehicle.

**Customer Payment at Delivery Point**

- Woolworths do not require any payment for goods at the Customer's premises. All goods are pre-paid for at the time of placing the order.
- Woolworths may require the Customer Delivery Agent to confirm identification or credit card details and this will be noted to the Customer Delivery Agent prior to the delivery taking place.
- Acceptance (Customer Acceptance) of the Goods will be deemed to have occurred once the Customer Service Agent has received a signature on the hand held mobile device acknowledging acceptance.

**Customer not at the premises**

- The Customer Delivery Agent must never leave an Order unattended if the Customer is not at the premises when the Customer Delivery Agent arrives. If the Customer is not at the premises the Customer Delivery Agent must contact the Woolworths Online Customer Service Representative immediately and act in accordance with Woolworth's instructions, where there are no alternative instructions on the Transport Documents.
- If the Customer Delivery Agent is instructed to leave the delivery (excluding Restricted Products) at the Customer's Premises, the Customer Delivery Agent following the instructions on the hand held device, must take a photo of the location the goods have been left at a distance that the goods are recognisable along with the location and record the DA Number on the hand held device.



### Restricted Products

- Woolworths sells a number of Restricted Products (eg those containing knives, tobacco, alcohol) and Woolworths will ensure that these products are not sold in breach of any Relevant Laws.
- As it is an offence to sell or supply knives, alcohol or tobacco to an under 18 year old, Customers are required to declare when ordering Restricted Products that they are over the age of 18.
- Woolworths will advise the Carrier of type and quantity of Restricted Products in a Customer's order by recording this information on the Customer Delivery Agent's run sheet.
- The Carrier must:
  - (i) Ensure that all Customer Delivery Agents hold a valid Responsible Service of Alcohol accreditation.
  - (ii) Provide and train all Customer Delivery Agents in the Liquor Law Requirements Document which is attached as Schedule 9
- To support Woolworths commitment to the responsible service of alcohol and its ID 25 program, the Carrier must request Customer Delivery Agents to ask for a customer's proof of age identification if they look under 25.
- At no time must the Customer Delivery Agent leave Restricted Products at the Customer's Premises unattended or with a person under the age of eighteen. In these circumstances, Restricted Products must be returned to the Woolworths routed Load Point on the same day, unless otherwise directed by the Woolworths Online Customer Service Team and obtain a DA Number and note on Transport Documents.

### Non-acceptance

- The Customer may refuse to accept delivery of the Goods in full or in part if:
  - (a) there are obvious signs of external damage to the packaging of the Goods or the Goods themselves; or
  - (b) the temperature of the Goods is not within the ranges prescribed.
- The Customer Delivery Agent must contact Woolworths Online Customer Service immediately to obtain a DA Number. If any part of the Goods are refused, the Carrier has the right to inspect the Goods. If a Customer rejects the delivery, Goods must be returned to the respective Load Point as quickly as possible or as otherwise directed by the Woolworths Online Customer Service.
- An unsigned delivery or missed order with an incorrect DA is prima facie evidence that delivery has not occurred. A delivery that is not partially or wholly accepted must be recorded on the hand held mobile device and supported with a DA issued by Woolworths Online Customer Service.

### ULD Returns

- If required to load empty ULDs either at the Load Point or Delivery Point, the Customer Delivery Agent must ensure that the ULDs are loaded in compliance with the Load Restraint Guide (“the Guide”) issued by the National Transport Commission including any updates, amendments or supersession’s to the Guide or Law during the life of the Contract.
- The Customer Delivery Agent must ensure that all ULD’s are returned to the same Load Point after each delivery run and obtain confirmation of return from authorised Woolworths Representative in the Site.

### Returning to store

- On arrival to the store, scan the store barcode located at the loading dock to register the arrival time and finalise the trip.
- Report to the stores online manager.
- Unload all of the empty totes onto the dock as noted in the ULD Returns section previous.
- Ensure all paperwork including runsheets are completed.
- Fax all paperwork including any **fuel receipts** back to the Toll office.
- Park the vehicle in the designated parking area ready for the next shift.
- Lock the vehicle before leaving.
- Return the WOW handheld device, keys and fuel card to the storage location ready for the next shift.

"TC-4"

# Delivering Great Experiences Everyday

Creating great experiences on every doorstep

**Participant pack**



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# Welcome

## **Welcome to the Delivering great experiences everyday workshop!**

*This participant pack has been created to support you through the workshop and to provide you with useful information you can reference at a later date.  
The pack is yours to keep and you are encourage to make as many notes as possible as this will help you remember the main learning points.*

*The workshop will have lots of opportunity for you to get involved, participate and ask questions.  
The facilitator is there to partner with you to make it easy for you to complete your role to the best of your ability.*

*We encourage you to ask as many questions as possible and to bring all of your experiences to the workshop.  
You already know you have some fantastic ideas and behaviours that matter to our customer. Remember to share your knowledge with the other participants too.*

## **Learning Outcomes**

*The workshop has been designed to help you develop key skills and behaviours that we believe will have a positive impact on the customer's experience.*

*By the end of this workshop you will be able to:*

- *Identify the key needs and behaviours of our customers*
- *Apply the fresh behaviours easily and with enthusiasm*
- *Know how to build a personal connection with the customer*
- *Deliver solutions in a timely and professional way*

## **Expectations**

*What other expectations do you have of the workshop? List them below and remember to share these with your facilitator at the start of the workshop.*

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## **Knowledge Checks**

*At the end of each section in the workshop, the facilitator will ask a couple of questions that have been designed to help you think about what you have learnt.  
It is a chance for you to ask any further questions about the content that has been discussed and set you up for success.  
The knowledge check questions are at the end of this Participant Pack.*



# Woolworths

## **An Introduction to Woolworths**

*Woolworths has been a leader in the Australian retail industry since 1924 when a few friends started a 'Bargain Basement in Sydney's Imperial Arcade  
The advertisement said:*

***"Every city needs a Woolworths: Sydney has it now.  
Every man, woman and child needs a handy place where good things are cheap"***

*Ever since then, Australians have come to know and love the brand.  
Everyone knows Woolworths and most people have an experience of shopping with the brand.*

### **Did you know?**

- *Woolworths has over 900 supermarket stores and 1,180 BWS liquor stores*
- *Each week, more than 17 million customers come through the doors and they buy an average of \$650 million of groceries*
- *Woolworths is Australia's largest employer with almost 200,000 employees across the country*
- *Woolworths continues to support local and national charities and the supermarkets donated food for 2 million meals to relief charities, raised \$62.3 million for local community programs and provided \$4.5 million in educational resources to schools through the Earn & Learn Program*

*For more information about Woolworths and some more interesting facts and figures, visit:  
<http://www2.woolworthsonline.com.au/>*



## **Workshop Notes**

*Make notes about what you have learnt in the workshop below.  
Remember to ask the facilitator any additional questions you have.*



# Online customers and their expectations

*The types of customers that shop online include:*

- *Families with young children*
- *Business professionals*
- *Retired and disabled people with limited mobility and transport*

***How can you help to create a great experience for the customer?***



## **Workshop Notes**

*Make notes about what you have learnt in the workshop below.  
Remember to ask the facilitator any additional questions you have.*



# Customer experiences worth talking about

## Workshop Notes

*Make notes about what you have learnt in the workshop below.  
Remember to ask the facilitator any additional questions you have.*





## Fresh Behaviours

*Woolworths is committed to providing a great experience for every customer in every interaction.*

*The following, 'Fresh Behaviours' are a guide to help you understand how you can create a great experience with your customers at every doorstep.*



***A smile costs nothing yet can make a person's day.***



***Saying hello creates a personal connection between you and your customers***



***End your customer's day on a high and show your appreciation***



***Get to know your customers and make them feel part of the family.***



***Take the opportunity to show your customers what you know and share your product knowledge.***

**Show My Stuff**

*In your introduction, you will have learnt about some of the main departments or product types Woolworths sells to its customers.*

*Here's a little more information that will help you 'Show Your Stuff'*

**Meat**

*100% of the meat Woolworths sells is Aussie grown. Their in house butchers chop, slice, dice, time and pack over 200 different cuts of fresh meat daily. The meat departments employ over 550 apprentices Australia wide.*

**Bakery**

*Bread is baked and sold the same day across a huge range of national branded bread products. Fresh cakes and pastry ranges offer something for everyone. Our bakeries employ over 460 apprentice bakers Australia wide.*

**Seafood**

*Woolworths aims to ensure that all their seafood comes from sustainable sources. They are committed to working with suppliers to ensure seafood supplies are available to feed the needs of customers today and for future generations.*

**Deli**

*Cold meats, sliced to order and the way customers like it. An entertainment destination with a huge range of platters, cheese, cold meats and anti-pasta.*

**Longlife**

*Woolworths sells Australia's most loved brands and amongst these are Woolworths own branded products that suit a variety of customer's needs.*

*These brands include:*

- *Homebrand for shoppers on a budget*
- *Select for the mainstream shopper who wants the same quality as specialist brands but with more value*
- *Gold which is Woolworths own supreme brand offering superb quality and mouth-watering experiences*
- *Macro which is Woolworths' health and wellbeing range that satisfies a broad range of dietary needs and ethical choices at an affordable price.*

**Food Safety**

*Woolworths is committed to providing its customers with the highest quality and freshest foods from the supplier to their table. You are a part of the chain that can help to deliver this commitment and you should be aware of some basic food handling and safety requirements.*

<b>Do:</b>	<b>Don't:</b>
<i>Wash your hands regularly and before and after handling any groceries</i>	<i>Think food safety is someone else's responsibility</i>
<i>Ensure the truck maintains the correct temperature for the food you are carrying</i>	<i>Come to work if you are/have recently suffered from gastric or other food-borne infections</i>
<i>Maintain good hygiene standards throughout the truck and equipment, including totes</i>	<i>Cross contaminate food. E.g. raw meat items should be separate to dairy or cooked products</i>
<i>Wear your hair up and keep it tidy in a net where relevant</i>	



## Workshop Notes

*Make notes about what you have learnt in the workshop below.  
Remember to ask the facilitator any additional questions you have.*



### The good, the bad and the ugly – the good

When watching the customer video, answer the questions below to help you complete the activity:

#### **Customer One**

- *Why does each customer choose to shop online instead of going into the store?*
  
- *What one thing did the CSA do that made a positive impact on the customer?*
  
- *What difference did the CSA make to their day?*

#### **Customer Two**

- *Why does each customer choose to shop online instead of going into the store?*
  
- *What one thing did the CSA do that made a positive impact on the customer?*
  
- *What difference did the CSA make to their day?*

#### **Customer Three**

- *Why does each customer choose to shop online instead of going into the store?*
  
- *What one thing did the CSA do that made a positive impact on the customer?*
  
- *What difference did the CSA make to their day?*



## Workshop Notes

*Make notes about what you have learnt in the workshop below.  
Remember to ask the facilitator any additional questions you have.*



## The extra mile

### **What does it mean to 'go the extra mile'?**

*Going the extra mile can mean a number of things to different people.*

*It can mean acting in a way that goes over and above your customers' expectations and surprising them with behaviours and an attitude that they were not expecting.*

*We should aim to go over and above with all our customers and especially when we are facing challenging situations.*

*When things are not going to plan or you are faced with a situation that has made the customer point out an error or complaint, it's helpful to have a process or an easy to remember set of steps to follow.*



- **Sorry** – apologise for something that has happened and express that you know it must be frustrating/ inconvenient, etc
- **Glad** – express that you are happy the customer has brought this to your attention because it means we can put the situation right
- **Sure** – express that you are sure we can do something about it to resolve the difficulty and talk through the actions you will take

**Write down below some examples of phrases you could use to express each part of sorry/ glad/ sure:**

**Sorry**

**Glad**

**Sure**



## Workshop Notes

*Make notes about what you have learnt in the workshop below.  
Remember to ask the facilitator any additional questions you have.*



## Tools and technology

*The sign on glass device you will use can help you provide a great experience for your customer.*

***What are the benefits of the sign on glass device?***

***What three things can you say if the customer is reluctant to use sign on the device?***





# Putting it all together



*What feedback did you receive following the 'Putting it all together' activity in the workshop?*

***What I did well:***

***What I could do even better:***

***How I will develop my skills:***



## Workshop Notes

*Make notes about what you have learnt in the workshop below.*  
Remember to ask the facilitator any additional questions you have.



## Creating great habits!

*Habits are formed when we apply the same action or behaviour consistently over 30 days. That means we can create a new, positive habit in one month!*

*This workshop has explored lots of behaviours and skills that you might already apply. It might also have challenged you to think differently about how you create great experiences for your customers and how you can be consistently strong in all that you do.*

***Take the opportunity now to start a new habit!***

*Write down in the space below one new behaviour that you will focus on over the next 30 days.*

*This could be a skill you already have that you know you do well and want to improve even more.*

*Alternatively, it could be a behaviour or attitude that you think you will find challenging to apply but want to stretch yourself in order to create great customer conversations.*

***The one behaviour that I will focus on over the next 30 days is:***

***"I commit to applying that behaviour every day and with every customer"***

***Date I will start my commitment:***

***Date I will review whether I have a good habit (30 days from start date):***



**Knowledge check questions**

1. What is the branding of Woolworths Supermarkets?
2. Why do customers shop online?
3. Why is your role so important to the online customer?
4. Describe our target customer and the main reasons they shop online
5. What three things can you do to make a difference to the customer's day?
6. What negative behaviours and actions should we never display to our customer?
7. What can you do to ensure the stories our customers share are positive ones?
8. What are the five Fresh Behaviours that will create a great customer experience?
9. How can you deliver the Fresh Behaviours in a way that helps to create a personal connection with the customer?
10. What 3 forms of identification are acceptable for ID25?
11. If a customer turns 18 years of age tomorrow, what would be their date of birth today?
12. What does the extra mile mean?
13. What one thing can you do with every customer that goes the extra mile?
14. What are the benefits of the sign on glass device?
15. What can you use the device for?

**IN THE FAIR WORK COMMISSION**

**Matter No. AM2016/32**

**4 Yearly Review of Modern Awards – Road Transport and Distribution Award  
2010**

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**STATEMENT OF CHARLES NICHOLS**

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I, Charles Nichols of [REDACTED] in the State of Western Australia state as follows:

1. I am 48 years of age.
2. I am currently employed by Toll IPEC (Toll), which is part of the Toll Group. The Toll IPEC Pty Ltd (Perth) Enterprise Bargaining Agreement 2008 covers my employment with Toll. The Toll National Agreement applies to the parties to this agreement, which incorporates the *Road Transport and Distribution Award 2010*.

**Work history**

3. I have worked in the road transport industry for most of my working life. I started work as a driver around 1986 as a subcontractor to Courier Australia until around 1984. The type of work I was doing was pick up and delivery (PUD), which is what I do now for Toll.
4. Around 1994 I started contracting to Australian Document Exchange Airfreight (DX). Toll purchased DX in 2002 when I became employed directly by Toll.
5. When I worked for Courier Australia there was a lot of turnover with deliveries every 2 hours in that you would typically pick up in your area, go and meet someone, pass on that freight, then receive more deliveries back in that area.
6. When I moved to airfreight for DX we did deliveries in the morning and pick-ups in the afternoon. When I moved to Toll IPEC, it was more road freight, but the same concept of loading up in the morning, delivering until lunch, and then after lunch you did all your pick-ups.
7. When I was a subcontractor I drove a one tonne Mitsubishi, L300. When I moved to Toll they put me into the big transit vans, or Mercedes two and a half tonne vans, up to three tonne. They have a long wheel base vehicle. Because I don't have a truck licence I drive the biggest vehicle that I can under a normal class A licence.

### Daily duties

8. When I arrive at work the first thing I do is go into the two-way room, pick up my keys, the Mobile Data Terminal (MDT), any type of paperwork that I need for pick-ups, or any type of liaison between operations and myself.
9. I then go out on to the dock, open the truck and carry out a vehicle check. It is important to carry out a vehicle check as someone else might use my vehicle overnight, so if there are any damages I need to make sure I report them before I leave the depot.
10. After I carry out my vehicle check, I reverse back up onto the dock, and proceed to load up by putting all the freight on first. The way our operation runs is with a belt system where the freight runs past, and everybody goes up to help pull and stack freight for each individual driver that's in their area. So we all work as a team, and then you have time for yourself to go off and actually load your own individual truck or van.
11. In the above process I have to use the MDT to identify what freight is complete and what freight has been delivered short. This enables identification of the freight to be loaded as some of it may already have been delivered.
12. When I have ensured all the freight has been loaded for delivery I activate the load on the MDT, which is uploaded straight into the computer system. This enables the customer to go onto their computer and see that the delivery is coming out to them that day.
13. An MDT is the tool that drivers use to track and trace deliveries. When I do the load up system, I set the MDT to delivery mode; scan the barcodes on each individual box which goes straight into the computer. The MDT identifies where the freight is and what is happening with the freight. It holds the driver accountable and is the number one tool that the driver must have in order to do his or her job.
14. The process of identifying and loading continues throughout the morning where we are constantly loading, sorting freight and pulling freight. During this process we liaise with our dock supervisor in relation to any issues that may arise with any type of deliveries such as time schedules. If I have any issues I raise them with the supervisor at that time. Generally I would leave the yard around 9.15 am having commenced my shift at 6 am.
15. After loading and activating the load system on the MDT I would leave the yard to carry out my deliveries. If I need to refuel the truck I would stop at the re-fuelling station to fill up.
16. Not all deliveries involve the same process. For example there are some deliveries which are time sensitive where I could go into a delivery such as a

back dock where I would jump out, pull the door open, grab a box, walk up to the customer, pull the MDT out, highlight that delivery and push the sign button for the customer to sign. A driver needs to liaise with the customer in a pleasant way when checking all the delivery details. Other deliveries are not as straightforward such as deliveries to universities and hospitals. These often involve quite a lot of walking.

17. The MDT gives the company an itinerary of what that driver has done in a particular day. Times, date, how long they take to get to each drop and how long they remain at the drop. All the information is recorded through the MDT including rest breaks.
18. If I have any deliveries left over from the morning I may be able to deliver them in the afternoon but that will depend on the pickups that are scheduled. One of our responsibilities is to make sure that all the important deliveries are done such as pressured freight.
19. As a driver you need to ensure you collect all your freight in the afternoon before the end of the your shift. Pick-ups are similar to deliveries in that it will depend on where it is and what sort of freight it is which will determine how long it takes you to pick it up.
20. For example a pick up may only take a few minutes but others may take longer. You may have a pick up where there are 15 boxes upstairs. A driver needs to be able to determine what's possible and what's not possible in the allocated time in order to achieve all their pick-ups. If a driver thinks they might not be able to make all the pick-ups then they have to give the two-way room an opportunity to send someone to assist.
21. The two-way room allows liaison with drivers to ensure the deliveries and pick ups are completed. Most trucks have two-ways and the computer sends out deliveries through the MDT. When a delivery comes through the MDT will make a ring sound telling you there is a pick up. You need to either accept or reject the pick up which is transmitted back to the two-way room. If you reject the pick-up you need to provide reasons, which may be followed up by a phone call from the two-way room.
22. Everything gets logged into the MDT including the reasons why you can make a certain delivery or pick up. That way freight is accurately tracked and traced so that customers and management can see where freight is in the process.
23. If I have to bring freight back because its either rejected or there is no place to leave it, I load it on to a belt where it goes through a barcode scanning system so it scans back into the depot.
24. Drivers also have responsibility for load restraints. We are in charge of making sure that we restrain loads, more so on the big vehicles and the flat

tops. Drivers have to ensure that the freight is correctly restrained and secure.

25. Drivers are also responsible for cleaning their trucks at the end of the day to ensure there is no rubbish left behind.
26. At end of the day when I return to the yard I have to go via priority airfreight first to drop off any airfreight to be bagged and tagged to be sent to the airport.
27. After that I go around to the carousel and unload any small freight onto the carousel. Following that I go to another bulk line to unload bulk pick-ups. Then after that I would go to the dangerous goods area to drop off any dangerous goods.

### Training

28. When I first commenced working for Toll I received training in the MDT. The trainer came out with me for a day and provided instructions in the use of the MDT throughout the day as we made deliveries and pickups. We also received an instruction manual for the MDT.
29. Since I have been employed by Toll I have also undertaken OH&S training. I have completed a number of warehouse and transport training certificates, which included a first aid course in the OH&S module. The company recognises the importance of OH&S to its employees and conveys this through training and other materials. An example of such materials is attached and marked **CN-1**. These materials describe the components of the various roles included that of a PUD driver.
30. Toll also carry out toolbox meetings every two weeks on any type of issue that might arise throughout the yard, through health and safety meetings, or any type of logistical matters that the company want to put to us. These meetings are to keep everybody informed of what the correct procedures are in relation to OH&S and other matters such as cleaning your vehicle.
31. Drivers are also trained in dangerous goods as freight may involve dangerous goods. When picking up dangerous goods a driver needs to ensure that the relevant paperwork is all there to accompany the goods, and to ensure that the paperwork sits up front in the cab, not with the freight in the back in case there is an incident.

[Redacted Signature]

.....  
Signed

13/01/2017

.....  
Dated



"CN-1"



# Toll Group - Job Dictionary

V.1

# TOLL

Think safe. Act safe. Be Safe.

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Job Dictionary

October 2015  
Version 1

## Introduction

The Toll Group Job Dictionary documents the critical physical demands of key positions in our businesses, and is an integral part of injury prevention and injury management.

This Job Dictionary has the following uses:

- Pre-employment functional testing, targeting the critical physical job demands
- Medical assessment of an injured Worker's work capacity
- Periodic health assessment of a Worker's capacity to perform the critical physical job demands
- Guide medical practitioners, Case Managers, RTW Coordinators and Injury Management Advisors to identify return to work opportunities

The Job Dictionary aims to cover all positions across Toll Group where the risk of injury is most prevalent. Future versions of this Job Dictionary will include additional positions.

Assessing new and current Worker's against the critical physical job demands as detailed in this Job Dictionary will minimise the risk of injury.

### Return to Work

Used in conjunction with the Toll Group Workplace Rehabilitation Standard, this Job Dictionary will assist injured Workers return to work early and help minimise the impact of workplace injury and illness.

The staged return to work suggestions outlined in each position are examples of tasks that are available at Toll. These examples are to prompt return to work ideas and discussion.

Engaging Worker's and medical practitioners when developing RTW Plans is crucial in gaining medical approval and optimises the success of rehabilitation and return to work outcomes. Therefore it is expected that preferred medical practitioners are provided a copy of this Job Dictionary and be briefed on its intended use.

When reading the return to work suggestions within each position, the following explanation of each stage should be considered;

#### Stage 1

Acute stage of an injury where medical capabilities may require sedentary duties such as minimal lifting (<5Kg), varied postures between sitting and standing, work between waist and shoulder level, avoidance of repetitive tasks, avoidance of significant bending or twisting of the spine.

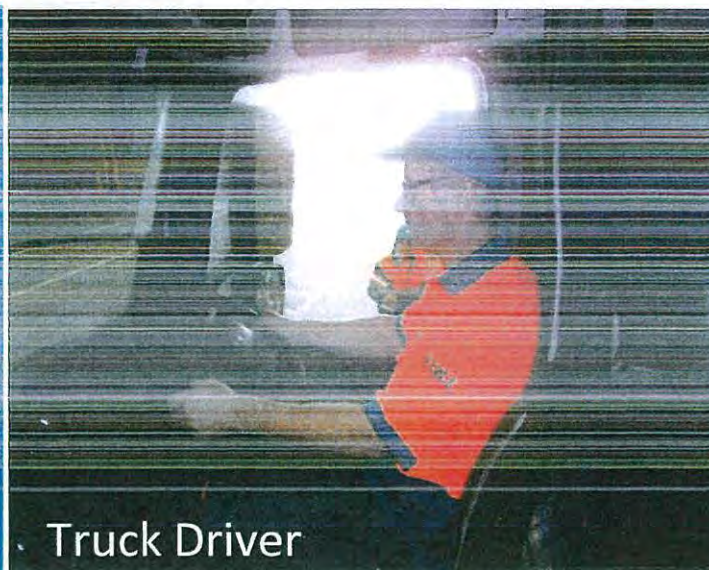
#### Stage 2

Introduction of some pre-injury tasks, with a broader range of capabilities with light to medium manual handling (lifting between 5 – 10Kgs), varied postures, avoiding or including short periods of repetitive tasks, occasional push or pulling without risk of aggravating musculoskeletal injury.

#### Stage 3

Selected duties to assist in the progression/upgrade from light duties to pre-injury duties.

## Truck Driver Position



Truck Driver

### The role:

- Truck drivers are responsible for transporting trailer loads of product from the depot to drop off points in their area.
- Product transported may be in either taut-liners with side curtains (on average one or two loads per day) or more commonly skel trailers with containers (on average 3 loads per day).
- Some trucks have a bonnet design which has wide steps into the cab, others have a cab-over engine form and require climbing up ladder steps.
- Drive time can vary between 20 minutes and 2 hours. Drivers get in and out of the vehicle frequently, sometimes as often as 12 x per day.

### Vehicle tasks:

- Drivers must complete a pre-trip inspection of the vehicle which involves a visual check of the prime mover and trailer, and a physical check of straps and couples on the trailer.
- Coupling the prime mover to the trailer involves reversing the truck into position then visually checking the locking mechanism. The driver must then climb onto the catwalk at the rear of the prime mover to attach the connector hoses.
- The trailer legs are wound up using a crank which has two speeds to allow for easier manipulation.
- The driver may also need to refuel the prime mover during their shift.

### Trailer and restraints:

- When loading or unloading a skel trailer, the driver will open the rear doors, which can involve reaching above the head or below the knees to manipulate the latches, depending on their position on the container.
- When loading or unloading taut-liner trailers, the driver must first release the buckles along the side of the side curtain. The curtain can then be unlocked using a ratchet at one end, and pulled open. A strong-arm strap can be used to assist with this.
- Roof-hanging restraint gates must be unlocked and moved to the sides, and restraint straps over pallets are unlocked and removed.
- When loading taut-liners, the driver must also apply restraint straps, which is usually done by throwing the strap over the top of the pallets. If this is not feasible due to the height of the pallets, or when angle guards are required on pallets to protect product, a platform ladder is used.

### Cognitive and behavioural demands:

Drivers need to concentrate and remain alert at all times while driving, and are usually conscious of delivery time.

## Components of Role



Entering a cab-over prime mover with 3 points of contact



Climbing on catwalk to connect hoses to trailer



Using crank to raise trailer legs



Opening rear doors of a container mounted on a skel trailer



Pulling open taut-liner curtains



Sliding restraint gates out of position



Throwing restraint straps over pallets



Using platform ladder to place angle guards and restraints

Truck Driver		
Physical Environment	Indoor/Outdoor, concrete, rough/uneven ground, weather	
Personal Protective Equipment (as required)	Gloves High Visibility clothing	Trousers Safety Boots

CRITICAL JOB DEMAND DESCRIPTOR	% OF TIME PERFORMED
Constant	> 66% of the time
Frequently	34% - 66%
Occasional	5% - 33%
Rare	< 5%

### CRITICAL PHYSICAL JOB DEMANDS

- Constant sitting 20min to 1:45hr trips while driving. May be seated while waiting for trailers to be unloaded
- Frequent standing during loading/unloading
- Frequent climbing in and out of cab and onto catwalk when attaching hoses
- Frequent manipulation of buckles, ratchets, and side curtains when loading/unloading
- Occasional walking short distances (<30 metres) during loading/unloading and pre-start inspections

- Occasional bending/squatting when performing checks
- Occasional reaching above head or below knees when opening container doors. Reaching under trailer may be required when uncoupling
- Constant use of truck controls while driving.
- Occasional lifting when moving side restraint gates out of position
- Occasional pulling when opening and closing side curtains

## Return to work suggestions

If a worker is injured, these are several examples of tasks they may be able to complete while gradually increasing their load towards normal duties. Stages should be advanced within pain tolerances as the worker improves in strength.

### STAGE 1

- Administration tasks, office paperwork, data entry, updating SOP's
- Driving buddy/supervisor
- Training (self or others)
- Scheduling routes
- Pre-start vehicle inspections

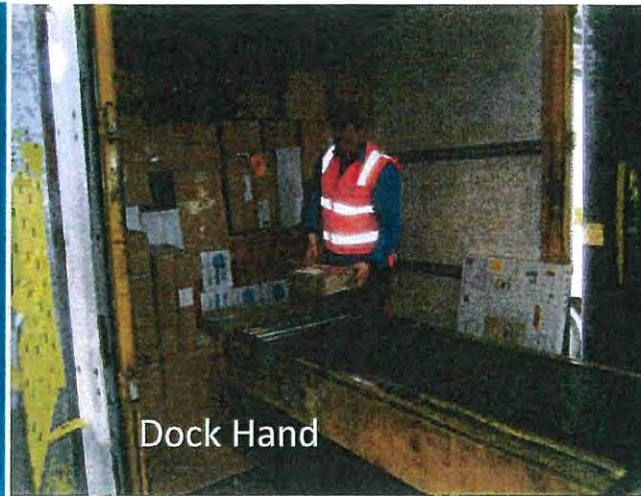
### STAGE 2

- Cleaning work areas
- Cleaning vehicles
- Vehicle conditions reports
- Refuelling vehicles

### STAGE 3

- Driving with buddy
- Delivery of whole trailers (no opening doors or load restraint)
- Gradual increase of manual handling tasks.

## Dockhand Position



Dock Hand

### The role:

The dock hand is responsible for transferring loose freight on and off the conveyor feed; breaking down full pallets and trailer-loads, and re-packing freight for dispatch.

Workers will usually stay in the same area for the duration of their shift, which can be unloading, sorting, or repacking.

Transferring boxes:

Boxes have a wide range of sizes and weights; up to 40kg boxes are manually transferred, with an average weight of 15kg. The average rate of lifting per person is between 500-850 boxes per hour, depending on their location in the facility.

Trailer loads of loose items are unloaded by hand which requires picking anywhere from floor to head height. Boxes are placed on an induction conveyor which telescopically extends further into the trailer as the worker progresses.

Other freight is broken down from full pallets directly onto the induction conveyor, which also involves transferring from ground level and above head height.

### Other tasks:

At the repacking end of the conveyor, workers will stack items from the outfeed onto new pallets. This requires fetching empty pallets from a stack and carrying them short distances.

Once a pallet is stacked with boxes to approximately shoulder height the worker will wrap it manually, walking around the pallet while stooping below knees and reaching to head height. Workers in this area will usually wrap approximately 35 pallets per shift.

A clamp fork is used to move heavier items up to 80kg, and in most cases another nearby worker can help lift heavy items if required.

Other tasks include using a pallet jack to transport full pallets. This is usually over short distances but can occasionally be up to 80 metres.

### Cognitive and behavioural demands:

Dock hands have performance targets and must also work to keep up with the speed of the conveyor. They may be working in close proximity with other workers and need to remain aware of their surroundings.

## Components of Role



Stacking boxes on new pallet for dispatch



Lifting from above shoulder height onto conveyor



Retrieving empty pallet from stack



Wrapping at shoulder height



Wrapping below knee height



Using pallet jack

Forklift Driver		
Physical Environment	Indoor/Outdoor, concrete, rough/uneven ground, weather	
Personal Protective Equipment (as required)	High Visibility clothing Trousers	Safety Boots Gloves

CRITICAL JOB DEMAND DESCRIPTOR	% OF TIME PERFORMED
Constant	> 66% of the time
Frequently	34% - 66%
Occasional	5% - 33%
Rare	< 5%

### CRITICAL PHYSICAL JOB DEMANDS

- Constant repetitive lifting of boxes (average 15kg, maximum 40kg) from below knee to above shoulder height
- Constant carrying boxes short distances (<10 metres) between pallets and conveyor belt
- Constant sustained standing and walking
- Constant twisting while transferring boxes and off conveyor
- Constant gripping/handling of boxes
- Frequent reaching to pick boxes from above shoulder height
- Frequent gripping/handling of wrapping and use of pallet jack
- Frequent bending/squatting to pick boxes from ground level
- Occasional pushing/pulling of full pallets on pallet jack up to 80 metres



## Return to work suggestions

If a worker is injured, they may be able to perform alternative duties to enable them to remain in the workplace while recovering. This can be graded over several phases, starting with potentially assisting in the office with administration tasks or scheduling, progressing to cleaning and triage tasks, scanning freight, and gradually increasing manual handling load. See the following examples for return to work options

### STAGE 1

- Administration tasks, office paperwork, data entry, updating SOP's
- Training (self or others)
- Ticket office

### STAGE 2

- Cleaning dock area
- Scanning freight
- Triage/recoup

### STAGE 3

- Returning to picking tasks with weight or height lifting restrictions
- Gradual re-introduction of heavy lifting

## Container Preparation Position



- Qenos polyethylene resin is transported from the manufacturing plant in shipping containers with a plastic liner inside. At the depot the containers are lifted on a tilt machine so the beads can be emptied into silos. Once this is done the plastic liners need to be manually removed and the interior of the containers cleaned with compressed air to ensure there is no cross-contamination of beads, before a new liner is inserted.
- Workers prepare between 12 – 14 containers per day. Containers are usually organised in rows of 3 or 4 and workers will perform tasks in sequence; removing all liners, then cleaning each, then replacing all liners.

### Changing liners:

- Workers use a trolley to move the 15kg liners around the yard which can often be covered by loose beads and other debris.
- The worker needs to open and close the container doors as well as remove a 10kg metal cross bar to allow them to climb into the container.
- When removing or placing a liner, the worker climbs inside the container and unfolds the liner then uses a stool to attach the edges of the liner to hooks in the container roof, requiring repetitive reaching overhead. If the container has a hatch the liner must also be fixed/removed to this in the same way.

Once a used liner is removed, the worker will roll it into a bunch and carry it to a Baler which compresses it.

### Cleaning:

Each container is blown clean from the back to the front with a compressed air gun. Some containers have hatches on their roof where the resin is fed in. These hatches need to be cleaned requiring the worker to climb onto the container roof using a platform ladder. If containers are adjacent the ladder can be pushed along from the roof but if they are separated the worker must climb up and down for each container. Wooden triangles are placed in the interior corners of the container to help funnel the resin as it is poured out. Occasionally these need to be changed if they are damaged. Each triangle weighs approximately 15kg

### Cognitive and behavioural demands:

Workers are conscious of performance targets and work rates. When cleaning attention to detail is required to ensure there is no cross-contamination of beads.

## Components of Role



Opening container doors



Climbing through entry with compressed air cleaner



Fixing base of liner inside container



Fixing top liner to central hatch



Using safety ladder



Replacing triangle boards



Replacing cross bars and fixing outer liner



Moving bagged liners on trolley

Container Preparation		
Physical Environment	Indoor/Outdoor, concrete, steel, rough/uneven ground, weather	
Personal Protective Equipment (as required)	High Visibility Safety Boots	Glasses/mask/gloves required when using air cleaner

CRITICAL JOB DEMAND DESCRIPTOR	% OF TIME PERFORMED
Constant	> 66% of the time
Frequently	34% - 66%
Occasional	5% - 33%
Rare	< 5%

### CRITICAL PHYSICAL JOB DEMANDS

- Constant standing on concrete yard and on steel containers
- Constant intermittent walking <20 metres around containers
- Constant handling of 15kg plastic liners, compressed air cleaner, cross bars, wooden triangles and container latches
- Frequent lifting of 15kg plastic liners, 15kg triangle boards, and 10kg cross bars
- Frequent reaching above head to attach liner to interior hooks
- Frequent climbing onto team step stool. Occasional climbing up safety ladder on to container roof
- Occasional bending while entering containers, fixing liners to interior, and using air cleaner
- Occasional twisting while entering/exiting containers by climbing through cross bars
- Occasional carrying of 15kg liners, triangle boards distances <10 metres
- Occasional pushing and pulling of safety ladder, opening/closing container doors

## Return to work suggestions

All suitable duties and return to work guidelines must include the regular rest breaks an employee requires as well as the necessary prescribed exercises and stretch breaks (including heat or ice pack application). If a worker is injured, they may be able to perform alternative duties to enable them to remain in the workplace while recovering. Depending on their skills, this can be graded over several phases, starting with potentially assisting in the office with administration tasks or scheduling, progressing to cleaning and triage tasks, scanning freight, and gradually increasing manual handling load.:

### STAGE 1

- Administration tasks, office paperwork, data entry, updating SOP's (sitting or standing)
- Training self or others (sitting or standing)
- Equipment checking
  - Inspecting containers and equipment (standing)
  - Replacing decals on containers (standing)

### STAGE 2

- Operating sweeper (sitting)
- Driving counter-balance forklift (sitting)
- Equipment maintenance (sitting or standing)
- Ute PUD driver (sitting/standing)

### STAGE 3

- Gradual re-introduction of preparation duties
- Assisting others with preparation

## PUD (Pick Up & Delivery) Driver



### Loading:

- Courier/PUD driver freight from the Toll depot to business and private addresses throughout their designated delivery zone.
- Each box, boxes are removed from a conveyor system by a sorter and stacked in piles next to each van's parking space. Satchels are placed in a mobile cage.
- Drivers park in their designated spot at the depot and load up their own van with the boxes and loose satchels according to their own ordered system.
- Each parcel must be scanned with a handheld scanner as it is placed in the van.
- Boxes vary significantly in weight up to approximately 40kg. The sorter will usually help with loading for heavier items.
- On busy days the van may be stacked to the roof which will require lifting above shoulder height.
- Satchels are usually placed in plastic buckets before being loaded into the van.

### Delivery/Picking up:

- Most drivers will complete the same delivery route each day. This can involve delivering as many as 150 items to around 70-80 locations.
- Some sites may require the driver to walk up/down stairs. Each driver also carries a trolley to assist with delivering heavier items.
- Drivers will need to get in and out of their van approximately 120 times per day.
- Most drivers will complete their deliveries in the morning, then pick up additional freight from sites in the afternoon. They will usually pick up 40 items per day.

### Unloading:

- Upon returning to the depot, the driver unloads the picked up items onto the conveyor where they are processed for the next delivery. Satchels are emptied from the plastic buckets into a cage.

### Cognitive and behavioural demands:

- Drivers are very conscious of both loading their vans and completing their deliveries on time.
- They must retain alert while driving, and may also need to re-plan their routes throughout the day.
- They are also frequently interacting with the public as they make deliveries.

## Store Person Position



- The store person role involves the storage and retrieval of palletised product from aisles of racking.
- The store person role may encompass a variety of tasks depending on the worker's training, including counter-balance forklift, slipsheet forklift, assisting with packaging machines, and cleaning.

### Forklift

- Most picking is done by counterbalance forklift from aisles of racking 4 levels high and 2 deep using a counterbalance forklift.
- Pallets of product ready for dispatch are loaded into containers using a counterbalance slip sheet forklift, to enable stacking two pallet-loads high. Operating the slip sheet forklift to place the bags can require craning of the neck and leaning out of the forklift seat to visualise the edges of the load.

### Manual Handling

- If a worker damages a full pallet while transporting it they may have to manually re-stack the pallet, requiring lifting up to 25kg. This is a rare occurrence, and damaged pallets are set aside to be repaired on masse as required.
- On rare occasions customers may require a partial pick, where product must be manually broken down from a full pallet into a smaller order. This will require manual transfer of stock up to 25kg between pallets.
- Cleaning is completed as required, which can involve driving a sweeper, picking up debris, or manually sweeping.

#### Cognitive and behavioural demands:

Workers are conscious of performance targets and work rates. Care must be taken when operating forklift not to puncture bags of resin beads.

## Components of Role



Using forklift in aisles



Using slipsheet forklift in despatch area



Handling bags of product



Loading containers

Store person	
Physical Environment	Indoor/Outdoor, concrete, steel, rough/uneven ground, weather
Personal Protective Equipment (as required)	High Visibility vest Safety Boots

CRITICAL JOB DEMAND DESCRIPTOR	% OF TIME PERFORMED
Constant	> 66% of the time
Frequently	34% - 66%
Occasional	5% - 33%
Rare	< 5%

### CRITICAL PHYSICAL JOB DEMANDS

- Frequent intermittent standing up to 2hrs at a time on concrete warehouse floor or steel catwalk
- Frequent static sitting for up to 2hrs at a time in counterbalance forklift cab
- Frequent intermittent climbing in and out of forklift, occasional climbing up stairs onto bagging machine platform
- Occasional intermittent walking distances up to 100 metres around warehouse floor
- Rare intensive lifting of product up to 25kg, 2 person lifting of 20kg rolls of top sheet wrap
- Rare carrying of 25kg bags and rolls of wrap distances <10 metres
- Rare bending/squatting when transferring up to 25kg weights between pallets or restacking damaged pallets





## Return to work suggestions

All suitable duties and return to work guidelines must include the regular rest breaks an employee requires as well as the necessary prescribed exercises and stretch breaks (including heat or ice pack application). If a worker is injured, they may be able to perform alternative duties to enable them to remain in the workplace while recovering. Depending on their skills, this can be graded over several phases, starting with potentially assisting in the office with administration tasks or scheduling, progressing to cleaning and slowly building up to manual handling tasks.

### STAGE 1

- Administration tasks, office paperwork, data entry, updating SOP's (sitting or standing)
- Training self or others (sitting or standing)
- Equipment checking
  - Inspecting containers and equipment (standing)
  - Replacing decals on containers (standing)

### STAGE 2

- Operating sweeper (sitting)
- Driving counter-balance forklift (sitting)
- Equipment maintenance (sitting or standing)
- Ute PUD driver (sitting/standing)

### STAGE 3

- Gradual re-introduction of manual handling

## IN THE FAIR WORK COMMISSION

Matter No. AM2016/32

### 4 Yearly Review of Modern Awards – Road Transport and Distribution Award 2010

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#### STATEMENT OF MITCHELL O'BRIEN

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I, Mitchell O'Brien, of [REDACTED] in the State of Western Australia state as follows:

1. I am currently employed as a truck driver by SCT Logistics. I commenced employment with SCT Logistics 20 years ago. The SCT Logistics, Perth Enterprise Agreement 2012 covers my employment with SCT. The enterprise agreement incorporates the *Road Transport and Distribution Award 2010*.
2. I am the holder of a Multi Combination (MC) driver's licence.

#### Work History in the transport industry

3. I have worked as a truck driver in the road transport industry for approximately 30 years. I have worked in various sectors of the road transport industry as a truck driver and have driven a range of trucks of varying sizes.
4. I have performed both long distance work and local work as a truck driver. Before I commenced work with SCT Logistics I did some long distance work from Perth to the mining towns in the north of Western Australia.
5. The driving I do for SCT Logistics is predominately delivery work in the metropolitan area of Perth. I might do the odd delivery to Wagin, which is 210 kilometres from Perth but mostly I am do local work around Perth. The truck I make my deliveries in is a B Double with two trailers.
6. The work I do is mainly delivery work but I do pick up freight as well. The majority of the freight I deliver is palletized freight but I do deliver general freight as well such as timber and oil drums.

#### Daily duties

7. Whilst there is no typical day in terms of delivery jobs, I do carry out the same or similar duties each day. The first thing I do is go to the depot to get my keys and paperwork. I would check the Proof of delivery documents (POD's) to make sure I have the right amount of pallets on the truck and the correct trailer. I have to ensure all the accompanying paperwork is with each POD.

8. Once I check all the paperwork I go out to my truck and do a prestart and vehicle check. From there I go and find the trailer in the yard, hook it up to the truck and do a check on the trailer. I open the trailer up; do a pallet count and a stock check to make sure that I have the right stock going to the right location.
9. For the most part the trailers have been preloaded. Even though they are preloaded I still have to check that the load is secure when I open and do my trailer check. Occasionally I have found a load that hasn't been road compliant, which I would rectify.
10. By road complaint I mean the palletised freight hasn't been stacked up against the headboard, which means its forward restraint wasn't strong enough. To rectify I would have to move the freight around and get the axle groupings correct.
11. Once I have checked the trailer including making sure that the load is secure, I close the trailer up. After everything is complete I head out to do my deliveries for the day.
12. When I arrive at the first delivery destination I pull the truck up, open the trailer, pull the curtains back and unload the freight for that delivery. Depending on the delivery I would move the poles if it's a taught line and if it's a flattop I unstrap it, release the load and when the unloading is complete I secure the trailer again.
13. After the first delivery I could be sent to a pickup on the way back to the depot to load for the next delivery. If I have a pick up I would go to the pick up premises, open the trailer, reload, secure the load and close the trailer. I would then complete the paperwork for the customer to take back to the depot.
14. Once I return to the depot I get the paperwork from the receiver side of our depot and then take the trailer to the appropriate warehouse. I then uncouple the trailer, open it up, get the stickers ready for the load and then leave the trailer, head around and start the process again.
15. Generally I would be going out and coming back three to four times in a day. Sometimes I could do one trip a day if I had a load to Wagin, which is about a 420 kilometre return journey.
16. On other occasions I could be doing more than three or four deliveries if I am delivering for Coles or Woolworths as its only about 15 minutes from the depot. The freight we deliver to the supermarkets comes in as palletised freight by train to the rail yard, which is at our depot.
17. When I arrive at the supermarkets Distribution Centre I go through the same process as above, that is open the trailer so that it can be unloaded, do all the paperwork and then close the trailer.
18. All deliveries are completed by way of paperwork. SCT Logistics is trying to implement an electronic system but they haven't had any success. About 2 years ago we used electronics devices called PDA's which we used for the customer to sign but we had too many issues with them.

\_\_\_\_\_  
Signed

16/1/17  
\_\_\_\_\_  
Dated

IN THE FAIR WORK COMMISSION

Matter No. AM2016/32

4 Yearly Review of Modern Awards – Road Transport (Long Distance Operations) Award 2010 and Road Transport and Distribution Award 2010

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STATEMENT OF DARYL COGHILL

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I, Daryl Coghill of [REDACTED] in the State of Victoria state as follows:

1. I am a union official with the Victorian/Tasmanian Branch of the Transport Workers' Union of Australia (TWU). I have been employed by the TWU for the past 12 years.
2. The geographical area that I cover as an organiser is the northern part of Victoria taking in Wallan in North Victoria to the NSW border.
3. In my role as an organiser I have represented and held discussions with many long distance truck drivers in the transport industry.
4. In my experience and from my discussions with drivers over the years it is apparent that there are a number of issues with the *Road Transport (Long Distance Operations) Award* (RT (LDO) Award).

**“Milk Runs” and multiple pickups and drop offs**

5. One of the issues facing long distance drivers relates to the definition of a long distance operation. A truck driver performing a long distance operation under the RT (LDO) Award drives from the principal point of commencement to the principal point of destination.
6. The Award sets out a number of trips where the distances and time taken to travel those distances are agreed distances and times. These distances and times do not make allowance for when an employer requires a driver to deviate along the way, which adds to the time or distance travelled.
7. I am aware of a number of companies within my area who get their drivers to do what is termed a “milk run” in the transport industry. A driver may have a trip to do which is paid according to the kilometre method of payment. In this case they will be paid a trip rate to travel between the principal points of commencement to the principal point of destination.
8. Under the RT (LDO) Award provision is made for loading and unloading however this payment, if paid, is insufficient to cover the time spent if the driver has to make numerous drops along the way.

9. Drivers working for the companies referred to in paragraph 7 get paid a set trip rate but they may not be aware of what the cents per kilometre component is. As an example they could travel from Shepparton to Sydney where on a particular trip they only have to load and unload out of one location either end.
10. However, on another day they may be required to make multiple pick ups or drop offs along the way, or at either end but will still get paid the same trip rate even though the time taken to complete the trip will take longer.

**Working under both the Road Transport (Long Distance Operations) Award 2010 and the Road Transport and Distribution Award 2010 Award in the same day**

11. Another issue facing long distance drivers is when they work under both the RT (LDO) Award and the *Road Transport and Distribution Award 2010* (RT&D Award) in the same day.
12. I am aware of a number of companies who engage drivers to perform long distance operations and to carry out local work in the same day. When the drivers carry out local work they are paid the base hourly rate in the *Road Transport and Distribution Award 2010* (RT&D).
13. I have become aware through my discussions with some drivers that some companies encourage the drivers to not to record in their logbooks the local work as it adds to the hours for the day. If a driver carries out too much local work they are then unable to perform a long distance operation.
14. The other issue with performing a long distance operation and then carrying out local work is that some companies only pay a base hourly rate for the local work without paying overtime rates.
15. The practice of engaging a driver to perform work under both awards often leads to fatigue. If a driver does not record the local work then they can perform more hours for the long distance operation. In my experience and from discussions with drivers the hours worked can range from 12 to 16 hours a day.

  
Signed

12-1-2017  
.....  
Dated

## IN THE FAIR WORK COMMISSION

Matter No. AM2016/32

### 4 Yearly Review of Modern Awards – Road Transport (Long Distance Operations) Award 2010 and the Road Transport and Distribution Award 2010 Award

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#### STATEMENT OF MAX BIRD

---

I, Max Bird of [REDACTED], in the State of Victoria state as follows:

1. I am 55 years of age.
2. I am currently employed by Greenfreight as a truck driver.
3. I am the holder of a multi-combination (MC) licence.

#### Work History in the transport industry

4. I have worked as a truck driver in the road transport industry for the majority of my working life. I have worked in various sectors of the road transport industry having performed both local work and long distance operations.
5. My first job as a truck driver was when I was about 25 or 26 years of age.
6. Over the years as a truck driver I have experienced a number of issues with employers paying incorrectly under the *Road Transport (Long Distance Operations) Award* (RT (LDO)) Award. I also believe there are deficiencies in the award.

#### Fatigue management plan

7. A truck driver performing long distance operations under the RT (LDO) Award must be paid for all of their driving time pursuant to either the cents per kilometre method or the hourly rate method. Under the hourly driving method if an employer has a fatigue management plan in place the hourly rate can be used to calculate a trip rate.
8. My previous employer was [REDACTED] Transport. I worked for [REDACTED] for 13 ½ years. The company had an accredited fatigue management plan in place, which I understand was supposed to be used to calculate trip rates. However, I do not know if they did pay in accordance with the provisions under the Award, as I never received a copy of a safe journey plan in all the years that I worked for them. In all those years I did not even see a copy of the plan. This made it difficult to work out how [REDACTED] paid the trip rates for the journeys that I did.

9. The only time I was given a copy of a safe journey plan was when [redacted] did contract work for K&S Freighters to Newcastle. When I performed the K&S work to Newcastle I would be given a copy of the K&S safe journey plan from the sending depot at the point of loading to carry on the journey with me.
10. A safe journey plan should indicate the hours it should take and the breaks that should be taken on a trip as well as all time worked on loading/unloading. [redacted] did not include loading/unloading time as working time and specifically asked me not to put all the time down as loading/unloading in my work diary.
11. As an example, I was quite often assigned the job of unloading at Ravenshall on the western outskirts of Melbourne and then had to travel to Ballarat to load for K&S transport out of the Laminex factory. This trip is 95 klms, which takes one about hour. To load a B Double would take around 3 hours and I was expected to be in Sydney the next morning to deliver the load to the Laminex factory at Prospect.
12. The distance from Ballarat to Prospect is approximately 950 klms and adding on the 3 hours loading then 2 hours to unload the time travelled that day was outside what is permissible.
13. I support the Transport Workers' Union application to vary the RT (LDO) Award to place the obligation on employers to provide a copy of the fatigue management plan or safe journey plan. This will enable truck drivers to ascertain whether the employer is correctly applying the provisions of the award.

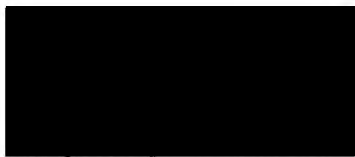
#### **“Milk runs” and multiple pickups and drop offs**

14. Another issue facing long distance drivers relates to the non-payment for deviating from the agreed route on a long distance operation. For example when I worked for [redacted] Transport I regularly did the Sydney to Melbourne run.
15. I was often required to drop off at Dandenong, which was not on the main route from Sydney to Melbourne. I did not receive any extra payment for the extra kilometres travelled. The delivery point was Hallam, which is 15-20 klms past Dandenong but [redacted] classified it as Dandenong, which is within a 32-klm radius of Melbourne. Hallam is outside of the 32-klm radius.
16. Another example from when I worked with [redacted] Transport was the Melbourne/Sydney/Port Kembla/Melbourne run. After unloading at Sydney I would travel to Port Kembla to load up before travelling back to Melbourne. I did not get paid for the time and kilometres travelled from Sydney to Port Kembla.
17. The loading time in Port Kembla could take up to 5 hours, as there might be 4 different locations to load from. I was told not to put all loading time down, as this would take too much driving time away from my trip. We were expected to be at our destination around Melbourne the next morning.



**Working under both the Road Transport (Long Distance Operations) Award 2010 and the Road Transport and Distribution Award 2010 Award in the same day**

18. Another issue facing long distance drivers is when they work under both the RT&D Award and the RT (LDO) Award in the same day.
19. An example of this is when I do a return journey from Barnawartha in Victoria to Wagga Wagga in New South Wales. The return journey is about 308 kilometres, which takes 7 to 8 hours in a B-Double. For this run I receive a trip rate for the kilometres travelled and one drop despite having to do two or more drops. Greenfreight would only pay for one drop if both the trailers were going to the same store but if there were two different stores it was paid as 2 drops.
20. When I return I could then do a return journey from Barnawartha to Shepparton, which is a 300-kilometre trip. This run is classified as local work and I get paid the hourly rate under the RT&D Award.
21. I do not receive any overtime when I transfer to the RT&D Award. To carry out the above 2 trips I would work about 12 or 13 hours for the day and not receive any overtime. That is because my employer does not count the time worked for the long distance operations towards the local work for the purposes of calculating overtime.
22. My view is that the 7 to 8 hours of driving time (including loading/unloading) should be added to the 6 hours of local work and overtime should be calculated in accordance with the RT&D Award.



.....  
Signed

.....  
Dated

15-1-2017

## IN THE FAIR WORK COMMISSION

Matter No. AM2016/32

### 4 Yearly Review of Modern Awards – Road Transport (Long Distance Operations) Award 2010 and Road Transport and Distribution Award 2010

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#### STATEMENT OF GARRY ANDERSON

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I, Garry Anderson of [REDACTED] in the State of Victoria state as follows:

1. I am 50 years of age.
2. I am currently employed by Visy Logistics 2 as a truck driver. The depot I work out of is Shepparton.
3. My employment is covered by an enterprise agreement.

#### **Work History in the transport industry**

4. I have worked as a truck driver in the road transport industry since I was 21. I have worked in various sectors having performed both local work and long distance operations.
5. Over the years as a truck driver I have experienced a number of issues with the *Road Transport (Long Distance Operations) Award* (RT (LDO)) Award.

#### **“Milk Runs” and multiple pickups and drop offs**

6. A truck driver performing a long distance operation under the RT (LDO) Award drives from the principal point of commencement to the principal point of destination. The Award sets out a number of trips where the distances and time taken to travel those distances are agreed distances and times. These distances and times do not make allowance for when an employer requires a driver to deviate along the way, which adds to the time or distance travelled.
7. When this happens a driver does not receive any extra payment for the time taken or for the extra kilometres travelled when required to deviate off the route, particularly if a trip rate is applied. For example if I do a return journey from Shepparton to Melbourne I receive payment for 400 kilometres. We do get paid for the drops and pickups but it is a set rate and does not take into account the time that it takes to do the pick up or drop off. From memory the rate is \$28 and if you take 3 hours to unload at a location on the way you still only receive \$28.
8. The other issue relates to multiple pickups and drop offs. When I was employed by Patrick's, I was only paid for one drop off and one pickup. On many occasions

I have done multiple depot drops prior to going to the supermarket. I have also done multiple drops of cement prior to going to the cement sheet factory warehouse. However I am only paid for the time to make one pick up and one drop off, which is the loading and unloading allowance.

9. In addition I am not paid for the extra kilometres it takes to make the multiple pick ups and drop offs and instead am paid a set trip rate. Being paid a set trip rate does not make allowance for the extra time or kilometres travelled to do the multiple pick ups and drops.

**Working under both the Road Transport (Long Distance Operations) Award 2010 and the Road Transport and Distribution Award 2010 Award in the same day**

10. Another issue facing long distance drivers is when they work under both the Road Transport and Distribution (RT&D) Award and the RT (LDO) Award in the same day.
11. The original owners of Visy Logistics, Phillips Transport paid drivers the correct rate under the RT&D Award when they carried out local work after they had completed a long distance operation. The rate was time and a half and double time after 2 hours. Visy just pays an hourly rate which doesn't take into account the fact that a driver may have already worked enough hours to attract overtime if they were being paid correctly under the RT&D Award.



Signed

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Dated